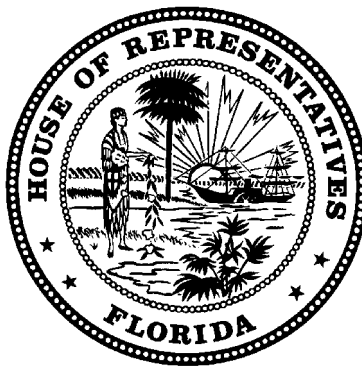


# HOUSE JUSTICE COUNCIL

## *1998 Post-Session Resource Book*

***“The facts and data  
you need for developing  
public policy solutions that work”***



**The Honorable Daniel Webster, Speaker**  
**Representative Victor D. Crist, Chairman**



# House Justice Council

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Daniel Webster, Speaker

### Justice Council

**Representative Victor D. Crist**  
Chairman

**Brad Thomas**  
Executive Director

Dear Friend:

It is my pleasure to present you with the House Justice Council 1998 Post-Session Resource Book. The Resource Book has been greatly expanded and updated to address a wide range of critical justice issues sure to be acted on in future sessions.

When one out of every 13 youths between the ages of 10-17 years old are charged with a criminal act, and the state lacks sufficient residential facilities to securely detain and place juvenile offenders, public safety requires change. When children available for adoption remain in foster care 45 months, legal reform is needed. When victims and the public must wait fourteen years for justice in capital cases, judicial reforms are imperative.

While critical challenges remain, the 1998 Florida Legislature made great progress to improve public safety and the administration of justice. For the first time in history, felons in Florida will now be subject to maximum criminal penalties, without parole or early release. To reduce domestic violence, the 1998 Legislature prohibited family abusers from possessing guns. To ensure that seniors and families are protected in their time of need, the Legislature passed the "Cemetery Preservation and Consumer Protection Act" which requires mausoleum construction standards for the first time in Florida.

The Legislature also passed sweeping civil-justice reforms to promote economic growth and individual responsibility. While these reforms did not become law, the issues will be readdressed in future sessions.

The 1998 Post-Session Resource Book includes research on subjects relevant to every committee in the House Justice Council and a summary of all approved legislation originating in the Council. I have also included appropriations data, an extensive directory of state agencies and the judicial branch, and a listing of Internet research sites relating to the Justice Council.

Please share this valuable resource with your colleagues and friends. This publication is also available on the Internet at <http://www.leg.state.fl.us/house/documents/jc-rprt.pdf>, where the book is periodically updated.

If you would like more information about the Resource Book, please contact the Justice Council or my district office. I look forward to working with you to build a better Florida for a brighter tomorrow.

Sincerely,

Representative Victor D. Crist, Chairman

## **-- NOTICE --**

**This publication is available on the Legislature's  
Online Sunshine website at:**

***[www.leg.state.fl.us/house/documents/jc-rprt.pdf](http://www.leg.state.fl.us/house/documents/jc-rprt.pdf)***

**Members of the Florida Legislature and their staff  
can also access this publication through the FLED  
system. Information will be updated periodically.**

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# **JUSTICE COUNCIL FACTS & FIGURES**



## CRIME & PUNISHMENT FACTS & FIGURES

There are positive and negative aspects regarding recent crime rates in Florida. Today's "Index Crime Rate", which includes **murder, forcible sex offenses, robbery, aggravated assault, burglary, larceny, and motor vehicle theft**, is the **lowest** since **1984**. Some individual crime rates have reached historic lows in Florida. The 1997 **murder rate** in Florida is the **lowest rate** since **1933**.

In **1996**, however, Florida ranked **number one** of all the states in **Index crime and violent crime**. In fact, Florida's crime rate in 1996 exceeded the national average by **47%**. Florida's **violent-crime rate** in 1996 exceeded the national average by **66%**. Only the District of Columbia had higher crime rates than Florida in 1996.

Florida ranked **first** among the states in its **burglary rate**, and **second** among the states in its **aggravated assault** rate, in 1996. Florida's **murder rate** ranked **seventeenth** among the states.

Although the state's **violent crime** rate has **declined for five consecutive years**, Florida's violent crime is extremely high when viewed in an historical context. Violent crime has **dramatically increased** since 1972. The state's **1997** violent-crime rate has increased by **86%** over the **1972** violent crime rate. If today's crime rates were comparable to 1972 rates, thousands of fewer victims would be spared the trauma of crime.

Domestic violence continues to increase. **Murder** resulting from domestic violence, however, **declined** from 1996 to 1997. **Aggravated assault** and **aggravated stalking increased**, however, from 1996 to 1997.

The 1997 and 1998 Legislative Sessions produced historic criminal justice laws in Florida to combat high crime rates. These reforms authorize the courts to impose the maximum criminal penalties, without parole, for all felony crimes. Most importantly, the Legislature has previously authorized the necessary prison beds to ensure that criminals sentenced under these laws will serve 85% of those sentences. The 1997 Prison Releasee Reoffender Punishment Act mandates that courts impose the maximum criminal penalty on any convicted felon who commits a violent crime within three years after being released from prison. Under the act, "Reoffenders" must serve 100% of the maximum sentence. Recent declines in the state's crime rates could accelerate if these new laws are effectively implemented and enforced by the courts.

[Sources: Florida Department of Law Enforcement 1997 Annual Report: "Crime in Florida." *Crime State Rankings 1998*, Morgan Quitno Press, 512 East 9th St., Lawrence, KS 66044-8656, [www.morganquitno.com](http://www.morganquitno.com).]

### THE IMPACT OF CRIME IN FLORIDA

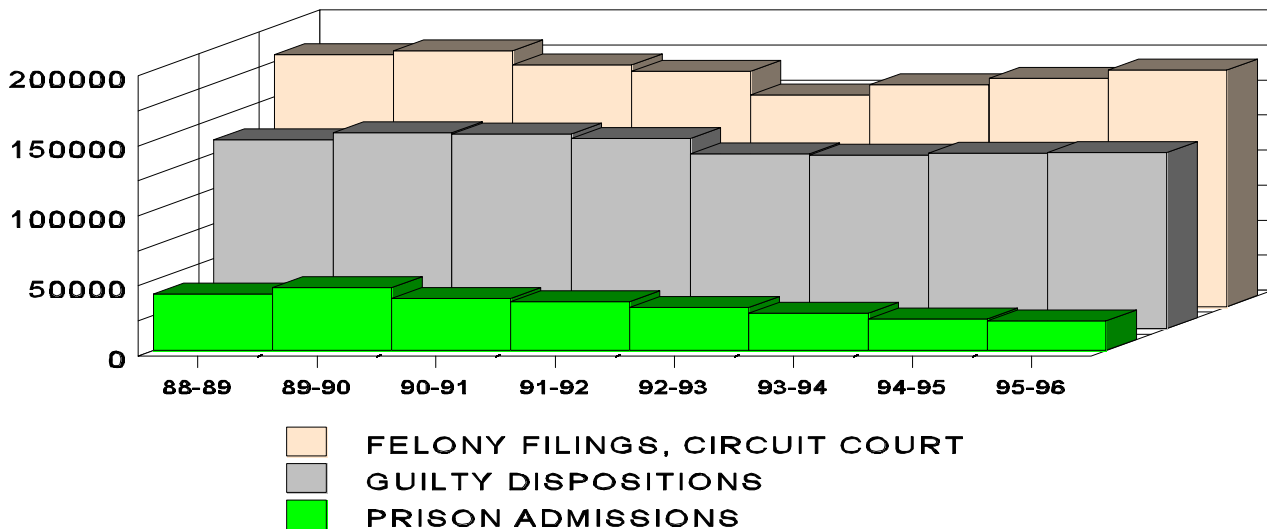
- ◆ In **1997**, criminals **murdered 1,014 people** in Florida, a **5.8% decrease** from 1996.
- ◆ Since **1986**, criminals have **murdered 14,873 people** in Florida.
- ◆ In **1997**, criminals committed **13, 224 forcible sex offenses** in Florida, a **2.1% increase** from 1996.
- ◆ **40,703 robberies** were committed in Florida in **1997**, including **18,500 armed robberies**, a **2.2% decrease** from 1996.
- ◆ **214,894 burglaries** were committed in Florida in **1997**, a **1.9% decrease** from 1996.
- ◆ In 1997, **161 victims of domestic violence were murdered** in Florida, a **16.1% decrease** since 1996.

- ◆ The violent crime rate in Florida **declined 2.4%** from 1996 to 1997.
- ◆ The state crime rate for forcible **sexual offenses, aggravated assault, and motor vehicle theft increased** from 1996 to 1997.
- ◆ In 1997, criminals stole **\$1.8 billion dollars** worth of property, approximately **\$120** worth of property per Floridian.
- ◆ Law Enforcement agencies recovered **\$730.6 million dollars** worth of stolen property in 1997, approximately **\$48 dollars** worth of property per Floridian.

### FEWER FELONS GOING TO PRISON

Despite Florida's high crime rates, the state ranks only **twelfth** among the states in incarceration rate. [See Corrections Facts & Figures] The state is incarcerating far fewer felons than it did in Fiscal Year 1989-90. That year, **31% of all guilty dispositions** resulted in prison admissions. In Fiscal Year 1995-96, only **16.1% of all guilty dispositions** resulted in prison admissions. The state incarcerated **48% fewer felons** in Fiscal Year 1995-96 than it did in Fiscal Year 1989-90.

### PRISON ADMISSIONS DOWN, CONVICTIONS STEADY



**HISTORICAL OVERVIEW OF INDEX CRIME IN FLORIDA**

<b>Year</b>	<b>Total Index Crime Volume</b>	<b>Index Crime Rate (Per 100,000 Population)</b>	<b>Population</b>	<b>Percent Change</b>
1972	390,299	5,340.8	7,307,910	---
1973	457,882	6,044.2	7,575,503	13.2%
1974	597,667	7,619.4	7,843,998	26.1%
1975	645,338	7,942.9	8,124,689	4.2%
1976	590,104	7,010.4	8,417,547	-11.7%
1977	568,878	6,521.3	8,723,375	-7.0%
1978	607,291	6,714.0	9,045,147	3.0%
1979	680,896	7,255.0	9,385,201	8.1%
1980	803,509	8,243.7	9,746,961	13.6%
1981	816,439	8,074.3	10,111,550	-2.1%
1982	777,517	7,472.5	10,404,994	-7.5%
1983	724,247	6,781.8	10,679,306	-9.2%
1984	749,231	6,832.3	10,965,952	0.7%
1985	860,957	7,637.5	11,272,751	11.8%
1986	960,374	8,288.2	11,587,301	8.5%
1987	1,021,283	8,570.6	11,916,080	3.4%
1988	1,106,212	9,044.1	12,231,255	5.5%
1989	1,120,515	8,931.7	12,545,319	-1.2%
1990	1,122,935	8,679.3	12,938,071	-2.8%
1991	1,129,704	8,561.0	13,195,952	-1.4%
1992	1,112,746	8,289.0	13,424,416	-3.2%
1993	1,116,567	8,204.8	13,608,627	-1.0%
1994	1,130,875	8,144.0	13,886,047	-0.7%
1995	1,078,619	7,623.1	14,149,317	-6.4%
1996	1,079,623	7,491.4	14,411,563	-1.7%
1997	1,073,757	7,298.1	14,712,922	-2.6%

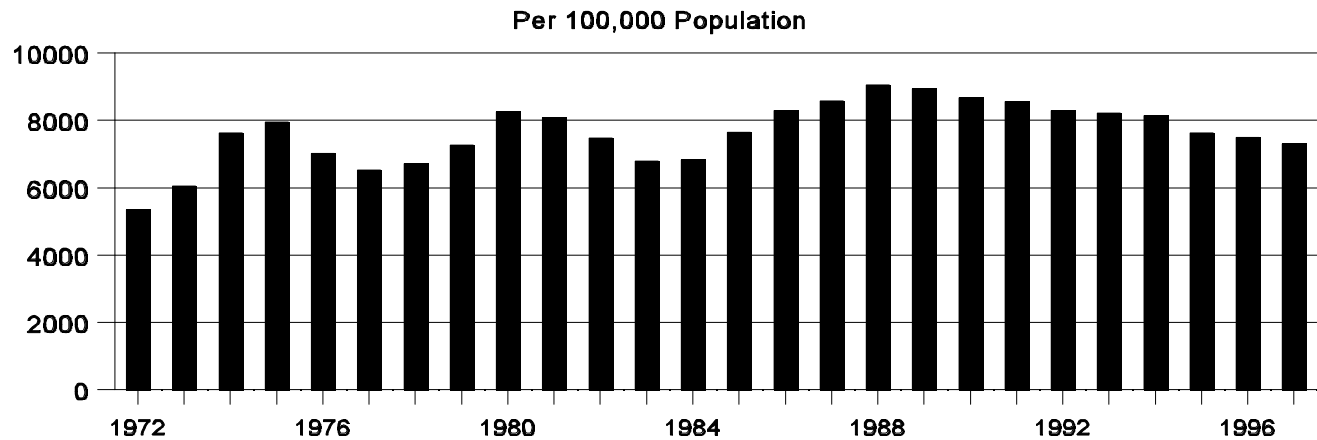
[Source: Florida Department of Law Enforcement]

**HISTORY OF VIOLENT CRIME RATE IN FLORIDA**

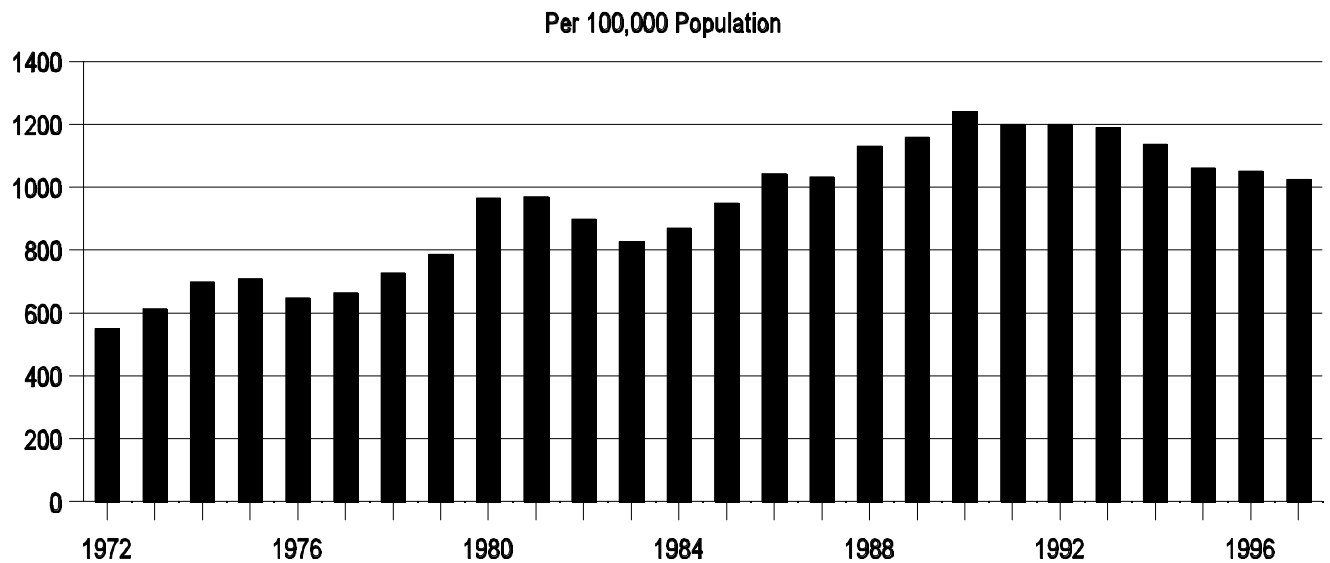
<b>Year</b>	<b>Violent Crime Volume</b>	<b>Violent Crime Rate (Per 100,000 Population)</b>	<b>Percent Change</b>
1972	40,248	550.7	---
1973	46,430	612.9	11.3%
1974	54,852	699.3	14.1%
1975	57,663	709.7	1.5%
1976	54,543	648.0	-8.7%
1977	57,916	663.9	2.5%
1978	65,784	727.3	9.5%
1979	73,866	787.0	8.2%
1980	94,068	965.1	22.6%
1981	98,090	970.1	0.5%
1982	93,406	897.7	-7.5%
1983	88,298	826.8	-7.9%
1984	95,368	869.7	5.2%
1985	106,980	949.0	9.1%
1986	120,977	1,044.0	10.0%
1987	123,030	1,032.5	-1.1%
1988	138,343	1,131.1	9.5%
1989	145,473	1,159.6	2.5%
1990	160,554	1,240.9	7.0%
1991	158,181	1,198.7	-3.4%
1992	161,137	1,200.3	0.1%
1993	161,789	1,188.9	-1.0%
1994	157,835	1,136.6	-4.4%
1995	150,208	1,061.6	-6.6%
1996	151,350	1,050.2	-1.1%
1997	150,801	1,025.0	-2.4%

[Source: Florida Department of Law Enforcement]

## INDEX CRIME RATE IN FLORIDA



## VIOLENT CRIME RATE IN FLORIDA



**NATIONAL INDEX CRIME RATE IN 1996, BY STATE**

National Rate = 5,078.9 Crimes per 100,000 Population\*

RANK	STATE	RATE
1	Florida	7,497.4
2	Arizona	7,067.0
3	Louisiana	6,838.9
4	New Mexico	6,602.3
5	Hawaii	6,584.5
6	Georgia	6,309.7
7	South Carolina	6,214.1
8	Maryland	6,061.9
9	Oregon	5,996.6
10	Nevada	5,992.0
11	Utah	5,985.9
12	Washington	5,909.4
13	Texas	5,708.9
14	Oklahoma	5,652.9
15	North Carolina	5,526.2
16	Alaska	5,450.4
17	Tennessee	5,449.3
18	Illinois	5,315.8
19	California	5,207.8
20	Colorado	5,118.5
21	Michigan	5,117.5
22	Missouri	5,084.0
23	Delaware	4,894.9
24	Alabama	4,820.1
25	Arkansas	4,699.2

RANK	STATE	RATE
26	Kansas	4,681.7
27	Mississippi	4,522.9
28	Indiana	4,498.2
29	Montana	4,493.6
30	Minnesota	4,463.1
31	Ohio	4,455.7
32	Nebraska	4,436.6
33	New Jersey	4,332.9
34	Wyoming	4,254.1
35	Connecticut	4,227.7
36	New York	4,132.3
37	Idaho	4,012.5
38	Rhode Island	3,993.5
39	Virginia	3,968.3
40	Massachusetts	3,837.1
41	Wisconsin	3,821.4
42	Iowa	3,648.9
43	Maine	3,394.1
44	Pennsylvania	3,392.5
45	Kentucky	3,166.3
46	Vermont	3,002.9
47	South Dakota	2,969.9
48	New Hampshire	2,823.5
49	North Dakota	2,669.1
50	West Virginia	2,483.4
	District of Columbia	11,896.7

[Source: Morgan Quitno, Crime State Rankings 1998, Morgan Quitno Press, based on data from Federal Bureau of Investigation, "Crime in the United States 1996" (Uniform Crime Reports, October 4, 1997)]

\*Includes murder, rape robbery, aggravated assault, burglary, larceny-theft and motor vehicle theft.



**NATIONAL VIOLENT CRIME RATE IN 1996, BY STATE****National Rate = 634.1 Violent Crimes per 100,000 Population\***

Rank	State	Rate
1	Florida	1,051.0
2	South Carolina	996.9
3	Maryland	931.2
4	Louisiana	929.1
5	Illinois	886.2
6	California	862.7
7	New Mexico	840.6
8	Nevada	811.3
9	Tennessee	774.0
10	Alaska	727.7
11	New York	727.0
12	Delaware	668.3
13	Texas	644.4
14	Massachusetts	642.2
15	Georgia	638.7
16	Michigan	635.3
17	Arizona	631.5
18	Oklahoma	597.1
19	Missouri	590.9
20	North Carolina	588.1
21	Alabama	565.4
22	Indiana	537.0
23	New Jersey	531.5
24	Arkansas	524.3
25	Mississippi	488.3

Rank	State	Rate
26	Oregon	463.1
27	Nebraska	434.7
28	Pennsylvania	432.5
29	Washington	431.2
30	Ohio	428.7
31	Kansas	413.8
32	Connecticut	412.0
33	Colorado	404.5
34	Rhode Island	347.2
35	Virginia	341.3
36	Minnesota	338.8
37	Utah	331.9
38	Kentucky	320.5
39	Hawaii	280.6
40	Iowa	272.5
41	Idaho	267.2
42	Wisconsin	252.7
43	Wyoming	249.7
44	West Virginia	210.1
45	South Dakota	177.2
46	Montana	161.0
47	Maine	124.9
48	Vermont	121.2
49	New Hampshire	118.2
50	North Dakota	84.0
	District of Columbia	2,469.8

[Source: Morgan Quitno, Crime State Rankings 1998, Morgan Quitno Press, based on data from Federal Bureau of Investigation - "Crime in the United States 1996" (Uniform Crime Reports, October 4, 1997)]

\*Violent crimes are offenses of murder, forcible rape, robbery and aggravated assault.

**TWO YEAR CRIME-RATE COMPARISON,  
BY FLORIDA COUNTIES**

County	Year	Population	Total Crime Index	% Index Change 1997/1996	Murder	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny	Motor Vehicle Theft	Crime Rate 100,000	% Rate Change 1997/1996	% Cleared
Alachua	1996	202,140	19,325		5	153	628	1,824	3,726	11,597	1,392	9,560.21		23.33
	1997	208,125	18,530	-4.11	11	177	477	1,791	3,673	11,164	1,237	8,903.30	-6.87	25.07
Baker	1996	20,709	897		0	6	16	107	246	470	52	4,331.45		30.88
	1997	21,138	829	-7.58	1	4	12	112	212	426	62	3,921.85	-9.46	40.05
Bay	1996	142,159	9,490		6	58	135	731	2,017	6,098	445	6,675.62		39.47
	1997	144,584	9,226	-2.78	3	59	153	687	1,890	5,981	453	6,381.07	-4.41	37.84
Bradford	1996	24,983	1,389		1	17	8	118	362	819	64	5,559.78		25.41
	1997	25,231	1,673	20.45	0	22	17	230	483	823	98	6,630.73	19.26	29.29
Brevard	1996	450,164	25,792		22	228	488	2,483	5,492	15,577	1,502	5,729.47		20.87
	1997	458,035	24,722	-4.15	19	214	546	2,728	4,829	15,064	1,322	5,397.40	-5.80	17.85
Broward	1996	1,392,252	117,606		103	545	4,425	7,140	22,011	69,019	14,363	8,447.18		21.27
	1997	1,423,729	112,508	-4.33	78	565	4,570	7,163	21,039	63,088	16,005	7,902.35	-6.45	21.67
Calhoun	1996	12,504	299		0	1	2	51	97	127	21	2,391.23		47.83
	1997	12,876	292	-2.34	1	1	3	38	82	156	11	2,267.78	-5.16	38.36
Charlotte	1996	129,468	4,041		2	25	49	233	936	2,550	246	3,121.23		25.98
	1997	131,307	4,165	3.07	4	34	46	345	866	2,634	236	3,171.96	1.63	25.04
Citrus	1996	107,889	2,990		2	4	22	314	800	1,686	162	2,771.37		31.44
	1997	109,984	2,815	-5.85	0	18	22	264	870	1,519	122	2,559.46	-7.65	27.53
Clay	1996	125,431	4,641		1	93	60	600	670	2,989	228	3,700.04		48.18
	1997	127,926	4,861	4.74	2	95	68	595	774	3,092	235	3,799.85	2.70	44.07
Collier	1996	193,036	11,770		4	88	303	937	2,740	6,972	726	6,097.31		20.01
	1997	200,024	11,057	-6.06	16	116	231	1,014	2,517	6,644	519	5,527.84	-9.34	19.59
Columbia	1996	52,565	3,695		0	22	77	450	743	2,223	180	7,029.39		22.68
	1997	53,684	3,623	-1.95	4	28	69	443	814	2,098	167	6,748.75	-3.99	25.59
Dade	1996	2,043,316	225,293		296	1,137	13,923	21,465	38,694	116,941	32,837	11,025.85		17.95
	1997	2,070,573	229,575	1.90	305	1,274	12,809	21,592	39,433	120,194	33,988	11,087.51	0.56	16.91
Desoto	1996	26,716	1,711		2	26	55	343	453	776	56	6,404.40		34.07
	1997	27,224	1,657	-3.16	2	26	52	291	490	718	78	6,086.54	-4.96	30.78
Dixie	1996	12,602	731		1	9	6	59	334	303	19	5,800.67		18.33
	1997	13,039	670	-8.34	0	15	5	65	288	275	22	5,138.43	-11.42	20.15

**TWO YEAR CRIME-RATE COMPARISON,  
BY FLORIDA COUNTIES**

County	Year	Population	Total Crime Index	% Index Change 1997/1996	Murder	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny	Motor Vehicle Theft	Crime Rate 100,000	% Rate Change 1997/1996	% Cleared
Duval	1996	728,437	62,411		83	711	2,889	6,402	13,543	33,893	4,890	8,567.80		21.72
	1997	741,508	61,143	-2.03	77	635	2,481	6,630	12,940	32,819	5,561	8,245.76	-3.76	22.96
Escambia	1996	286,301	17,743		22	186	595	2,327	3,893	9,844	876	6,197.32		29.21
	1997	291,135	17,375	-2.07	13	226	594	2,094	3,742	9,878	828	5,968.02	-3.70	26.68
Flagler	1996	39,052	1,454		2	11	15	129	291	953	53	3,723.24		29.30
	1997	41,190	1,673	15.06	2	13	16	180	338	1,086	38	4,061.67	9.09	31.92
Franklin	1996	10,378	272		0	1	0	38	86	133	14	2,620.93		13.60
	1997	10,497	526	93.38	0	2	3	45	59	394	23	5,010.95	91.19	9.13
Gadsden	1996	46,322	2,234		8	21	113	286	573	1,094	139	4,822.76		26.63
	1997	49,740	1,858	-16.83	4	22	76	256	423	915	162	3,735.42	-22.55	31.54
Gilchrist	1996	12,150	348		0	3	13	86	142	83	21	2,864.20		35.34
	1997	12,531	367	5.46	0	0	8	80	163	103	13	2,928.74	2.25	44.14
Glades	1996	9,413	515		1	3	12	22	150	295	32	5,471.16		5.24
	1997	9,648	381	-26.02	1	2	4	22	154	172	26	3,949.00	-27.82	17.32
Gulf	1996	13,545	334		1	0	0	65	100	151	17	2,465.85		43.71
	1997	14,103	369	10.48	0	9	4	66	105	176	9	2,616.46	6.11	39.30
Hamilton	1996	13,431	409		1	1	3	48	130	205	21	3,045.19		17.11
	1997	13,708	627	53.30	1	6	9	93	162	326	30	4,573.97	50.20	30.62
Hardee	1996	22,519	1,327		2	10	32	114	448	603	118	5,892.80		27.88
	1997	22,447	1,386	4.45	2	15	18	65	501	641	144	6,174.54	4.78	26.12
Hendry	1996	30,157	1,645		9	9	23	177	722	583	122	5,454.79		19.27
	1997	30,308	2,702	64.26	3	7	52	300	861	1,222	257	8,915.14	63.44	16.21
Hernando	1996	119,931	5,127		2	55	44	549	1,365	2,882	230	4,274.96		24.21
	1997	122,099	4,704	-8.25	8	66	56	567	1,140	2,665	202	3,852.61	-9.88	28.06
Highlands	1996	77,996	4,499		4	31	112	433	1,441	2,227	251	5,768.24		32.25
	1997	79,536	4,538	0.87	6	40	141	402	1,362	2,347	240	5,705.59	-1.09	29.31
Hillsborough	1996	910,855	85,801		72	512	3,837	9,102	15,290	46,957	10,031	9,419.83		20.99
	1997	928,731	76,261	-11.12	65	511	3,708	8,157	13,168	42,731	7,921	8,211.31	-12.83	25.00
Holmes	1996	17,412	48		0	1	2	17	4	21	3	275.67		97.92
	1997	17,609	389	710.42	0	5	1	84	137	126	36	2,209.10	701.35	43.96

**TWO YEAR CRIME-RATE COMPARISON,  
BY FLORIDA COUNTIES**

County	Year	Population	Total Crime		Murder	Forcible		Robbery	Aggravated		Burglary	Larceny	Motor Vehicle Theft	Crime Rate		% Rate Change	
			Index	1997/1996		Rape	Rate		Assault	Rate				100,000	1997/1996	% Change	% Cleared
Indian River	1996	102,211	5,404		4	73		76	481		1,408	3,115	247	5,287.10			26.42
	1997	104,605	5,846	8.18	6	65		88	345		1,279	3,820	243	5,588.64	5.70		23.47
Jackson	1996	48,629	1,404		5	17		24	248		384	676	50	2,887.17			34.26
	1997	49,387	1,097	-21.87	0	12		23	200		249	553	60	2,221.23	-23.07		39.38
Jefferson	1996	13,713	810		0	6		48	181		161	389	25	5,906.80			50.00
	1997	13,988	590	-27.16	1	13		17	95		224	217	23	4,217.90	-28.59		39.49
Lafayette	1996	7,012	41		0	0		11	7		11	10	2	584.71			100.00
	1997	7,002	43	4.88	0	0		6	15		14	6	2	614.11	5.03		100.00
Lake	1996	182,309	7,820		6	88		111	987		1,854	4,354	420	4,289.42			33.75
	1997	188,331	8,095	3.52	4	74		131	1,100		2,131	4,286	369	4,298.28	0.21		32.09
Lee	1996	383,706	20,051		22	234		663	1,739		4,926	10,008	2,459	5,225.62			31.03
	1997	394,244	21,785	8.65	25	214		711	1,438		4,585	12,063	2,749	5,525.77	5.74		27.48
Leon	1996	221,621	18,559		15	148		473	1,576		3,276	12,024	1,047	8,374.21			25.36
	1997	227,714	19,527	5.22	7	173		641	1,979		3,093	12,503	1,131	8,757.23	2.40		27.18
Levy	1996	30,690	1,627		3	12		28	251		540	711	82	5,301.40			30.92
	1997	31,591	1,888	16.04	1	8		23	360		535	892	69	5,976.39	12.73		44.60
Liberty	1996	7,439	100		0	1		0	9		28	53	9	1,344.27			41.00
	1997	7,694	78	-22.00	0	0		0	11		23	38	6	1,013.78	-24.59		51.28
Madison	1996	18,745	513		2	1		3	48		120	322	17	2,736.73			23.98
	1997	19,035	721	40.55	0	6		16	60		227	397	15	3,787.76	38.40		28.16
Manatee	1996	240,685	17,658		19	109		548	2,102		3,995	9,765	1,120	7,336.56			22.21
	1997	245,379	14,463	-18.09	18	98		429	1,804		3,327	7,900	887	5,894.15	-19.66		23.56
Marion	1996	229,260	12,522		15	152		271	1,672		3,223	6,629	560	5,461.92			36.10
	1997	237,204	12,331	-1.53	10	129		283	1,525		3,162	6,694	528	5,198.48	-4.82		41.21
Martin	1996	114,464	5,758		4	32		121	383		1,379	3,594	245	5,030.40			25.18
	1997	116,359	5,151	-10.54	5	21		106	399		1,228	3,183	209	4,426.82	-12.00		23.72
Monroe	1996	83,789	6,633		1	32		87	493		1,199	4,288	533	7,916.31			16.64
	1997	84,743	6,761	1.93	5	30		74	516		1,099	4,543	494	7,978.24	0.78		18.96
Nassau	1996	51,097	2,043		1	26		26	206		417	1,279	88	3,998.28			21.98
	1997	52,740	2,181	6.75	3	38		49	240		511	1,205	135	4,135.38	3.43		20.82

**TWO YEAR CRIME-RATE COMPARISON,  
BY FLORIDA COUNTIES**

County	Year	Population	Total Crime		Murder	Forcible Rape	Robbery	Aggravated Assault		Burglary	Larceny	Motor Vehicle Theft	Crime Rate 100,000	% Rate Change	
			Index	1997/1996										1997/1996	% Cleared
Okaloosa	1996	165,319	5,058		6	38	109	644		1,154	2,856	251	3,059.54		28.41
	1997	171,038	6,684	32.15	7	51	99	629		1,905	3,689	304	3,907.90	27.73	21.45
Okeechobee	1996	33,643	1,829		2	21	33	264		465	943	101	5,436.50		28.81
	1997	34,746	1,995	9.08	1	17	30	303		413	1,106	125	5,741.67	5.61	30.38
Orange	1996	777,556	75,500		57	481	3,246	7,312		14,601	43,339	6,464	9,709.91		22.29
	1997	803,614	74,630	-1.15	47	501	2,967	7,464		13,836	42,783	7,032	9,286.80	-4.36	25.03
Osceola	1996	139,724	9,966		4	73	242	813		2,701	5,549	584	7,132.63		28.95
	1997	143,828	10,744	7.81	4	69	300	897		2,892	5,837	745	7,470.03	4.73	30.38
Palm Beach	1996	981,793	79,436		83	490	2,396	5,985		16,526	46,295	7,661	8,090.91		16.10
	1997	1,003,798	83,920	5.64	76	454	2,904	6,440		16,508	48,768	8,770	8,360.25	3.33	16.21
Pasco	1996	309,936	14,340		13	153	181	1,169		3,385	8,525	914	4,626.76		23.92
	1997	315,785	13,756	-4.07	11	97	202	1,015		3,184	8,249	998	4,356.13	-5.85	25.31
Pinellas	1996	881,383	58,581		43	414	2,009	6,888		11,249	34,626	3,352	6,646.49		25.52
	1997	888,141	54,818	-6.42	43	434	1,825	6,768		10,223	32,196	3,329	6,172.22	-7.14	26.04
Polk	1996	452,707	33,838		29	261	824	2,605		8,616	18,080	3,423	7,474.59		17.88
	1997	459,010	39,171	15.76	37	278	1,113	2,829		10,719	19,204	4,991	8,533.80	14.17	18.26
Putnam	1996	70,287	4,904		2	69	102	691		1,322	2,664	54	6,977.11		52.47
	1997	70,243	4,674	-4.69	2	57	119	717		1,361	2,338	80	6,654.04	-4.63	51.41
St. Johns	1996	101,729	4,665		10	21	80	546		957	2,860	191	4,585.71		31.28
	1997	105,965	4,618	-1.01	6	14	105	574		1,005	2,709	205	4,358.04	-4.96	29.93
St. Lucie	1996	175,458	10,922		15	89	427	1,131		2,887	5,742	631	6,224.85		23.49
	1997	179,133	11,261	3.10	18	108	510	1,311		2,558	5,983	773	6,286.39	0.99	23.18
Santa Rosa	1996	98,491	3,601		5	37	13	370		954	2,037	185	3,656.17		18.05
	1997	102,338	4,505	25.10	5	47	54	588		1,184	2,397	230	4,402.08	20.40	21.18
Sarasota	1996	301,941	16,549		5	81	395	1,211		3,552	10,566	739	5,480.87		27.48
	1997	307,096	15,636	-5.52	11	83	346	1,050		3,181	10,279	686	5,091.73	-7.10	25.63
Seminole	1996	329,031	15,938		17	129	477	1,351		3,189	9,473	1,302	4,843.92		23.08
	1997	337,498	16,029	0.57	3	119	427	1,154		3,029	9,859	1,438	4,749.36	-1.95	22.33
Sumter	1996	40,593	1,270		1	10	17	166		432	567	77	3,128.62		30.63
	1997	44,366	1,250	-1.57	1	1	17	180		371	591	89	2,817.47	-9.95	27.52

**TWO YEAR CRIME-RATE COMPARISON,  
BY FLORIDA COUNTIES**

County	Year	Population	Total Crime		Murder	Forcible		Robbery	Aggravated		Burglary	Larceny	Motor Vehicle Theft	Crime Rate 100,000	% Rate Change	
			Index	1997/1996		Rape	Rape		Assault	Assault					1997/1996	% Cleared
Suwannee	1996	31,424	622		4	4	10	67	141	375	21	1,979.38		13.83		
	1997	33,223	1,599	157.07	3	10	20	198	476	855	37	4,812.93	143.15	23.45		
Taylor	1996	19,022	1,205		1	8	14	188	344	597	53	6,334.77		30.79		
	1997	19,184	1,186	-1.58	1	8	28	215	408	484	42	6,182.24	-2.41	29.09		
Union	1996	13,023	65		0	1	1	24	17	11	11	499.12		67.69		
	1997	13,103	137	110.77	2	1	2	31	35	34	32	1,045.56	109.48	91.24		
Volusia	1996	407,199	24,492		26	219	674	2,412	5,481	14,072	1,608	6,014.75		24.66		
	1997	413,668	24,603	0.45	16	223	774	2,419	6,014	13,244	1,913	5,947.52	-1.12	25.58		
Wakulla	1996	18,022	829		3	2	6	148	288	321	61	4,599.93		44.63		
	1997	18,660	408	-50.78	2	7	3	67	90	198	41	2,186.50	-52.47	34.56		
Walton	1996	34,328	1,016		1	9	6	83	299	569	49	2,959.68		33.76		
	1997	36,094	987	-2.85	4	4	7	71	254	600	47	2,734.53	-7.61	40.73		
Washington	1996	19,751	217		1	0	4	21	76	93	22	1,098.68		26.27		
	1997	20,116	87	-59.91	1	1	3	6	46	10	20	432.49	-60.64	51.72		

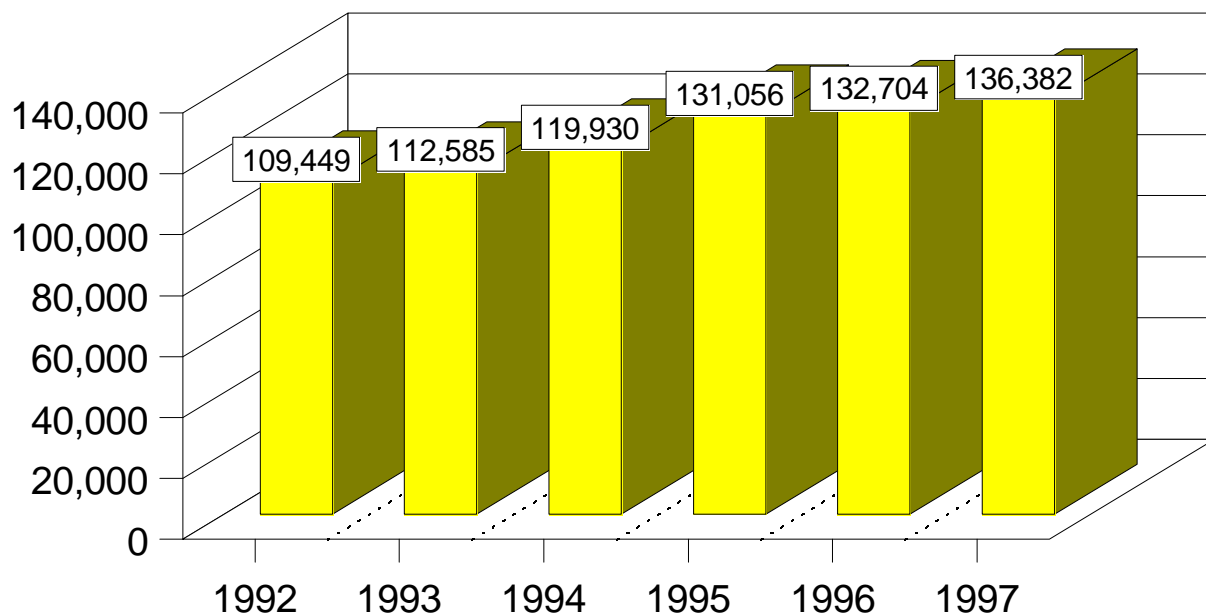
## DOMESTIC VIOLENCE IS INCREASING

“Domestic violence” is defined in s. 741.28, Florida Statutes, as including any of the crimes listed in the chart on the next page (plus kidnapping and false imprisonment, which were added in 1997) committed against a family or household member. The law provides that police and prosecutors are to make charging decisions based on evidence of any crimes committed, and that the consent or wishes of the victim are not to influence their decisions. The law further directs judges to take the safety of the victim into account in determining bail for a person charged with a domestic violence offense.

- ◆ In 1997, there were **136,382 domestic violence** offenses reported, resulting in **67,385 arrests**.
- ◆ Domestic violence **arrests increased** 4.3% from 1996 to 1997.
- ◆ Nearly **41%** of certain offenses including **murder, rape and assault** were domestic violence related.
- ◆ Among those who killed a spouse, **51% had a prior criminal record** (not necessarily for spouse abuse).
- ◆ **80%** of spouse murderers were convicted of murder or some other crime.
- ◆ **Domestic abuse** in 1997 resulted in **101,305 assaults** and **26,561 assaults with deadly weapons**, a **2.8% increase** from 1996.

[Sources: Florida Department of Law Enforcement; U.S. Department of Justice - Bureau of Justice Statistics]

**TOTAL DOMESTIC VIOLENCE OFFENSES**  
1992-1997



## DOMESTIC VIOLENCE OFFENSES

Offense Type	1992	1993	1994	1995	1996	1997
Murder	245	234	230	195	192	161
Manslaughter	10	16	10	14	17	9
Forcible Rape	1,622	1,636	1,667	1,465	1,426	1,365
Forcible Sodomy	475	527	578	526	408	460
Forcible Fondling	1,233	1,430	1,190	1,138	1,021	932
Aggravated Assault	23,906	23,649	23,765	25,817	25,680	26,561
Aggravated Stalking	*	*	*	*	255	298
Simple Assault	79,722	82,301	89,583	98,628	99,116	101,305
Threat / Intimidation	2,136	2,678	2,808	3,273	4,022	4,681
Simple Stalking	*	*	*	*	567	610
<b>TOTAL OFFENSES</b>	<b>109,349</b>	<b>112,471</b>	<b>119,831</b>	<b>131,056</b>	<b>132,704</b>	<b>136,382</b>
% of Comparable Reported Offenses	36.9%	37.0%	38.1%	41.0%	40.8%	40.9%

[Source: FDLE 1997 Crime Report] \* Data not collected

**STATEWIDE PROSECUTOR  
TOTAL SENTENCES & FINES  
1994-1997**

	1994-1995	1995-1996	1996-1997
<b>Prison Terms</b>	6 Life/876 years	3 Life/1,142 years	1,192 years
<b>Probation Terms</b>	700 years	645 years	801 years
<b>Victim Restitution</b>	\$1,001,117	\$4,672,678	\$6,960,148
<b>Fines</b>	\$1,856,025	\$1,282,484	\$2,238,852
<b>Costs of Prosecution</b>	\$42,912	\$50,809	\$99,530
<b>Costs of Investigation</b>	\$262,457	\$540,368	\$584,037
<b>Total Dollar Amount Assessed by Courts</b>	<b>\$3,162,511</b>	<b>\$6,546,339</b>	<b>\$9,882,567</b>

Note: Dollar amounts assessed by courts and do not document actual amounts paid by criminal defendants.

[Source: 1997 Performance Report/Agency Strategic Plan by the Attorney General]



### CIRCUIT COURTS - STATEWIDE TOTAL CRIMINAL CASES FILED

	<b>1995 Filed</b>	<b>1995 <i>Disposed</i></b>	<b>1996 Filed</b>	<b>1996 <i>Disposed</i></b>	<b>1997 Filed</b>	<b>1997 <i>Disposed</i></b>
Capital Murder	559	338	545	340	516	285
Non-Cap. Murder	1,413	1,280	1,369	1,144	1,350	1,170
Sex Offenses	3,752	3,259	3,836	3,317	3,946	3,504
Robbery	5,778	5,391	5,963	4,879	6,078	5,668
Other Crimes Against Persons	23,493	22,073	26,134	22,476	27,510	29,629
Burglary	20,820	18,441	20,578	16,921	19,487	18,890
Theft & Fraud	35,344	33,328	35,546	34,188	35,380	37,274
Bad Checks	9,369	7,752	10,683	8,748	8,730	8,736
Other Crimes Against Property	1,292	1,240	1,287	1,299	1,435	1,561
Drugs	47,525	44,418	51,426	44,803	55,310	52,159
Other	14,244	15,909	16,964	19,852	13,762	23,751
<b>TOTAL</b>	<b>163,589</b>	<b>153,429</b>	<b>174,331</b>	<b>157,967</b>	<b>173,504</b>	<b>182,627</b>

[Source: Office of State Court Administrator]

## CORRECTIONS FACTS & FIGURES

### A PROFILE OF STATE PRISONERS: THEIR CRIMES, SENTENCES AND COSTS

Although having the **highest** crime rate of all 50 states in 1996, Florida's incarceration rate ranked **twelfth** in the nation in June of 1997. Official estimates project that Florida will need **93,840** prison beds by **Fiscal Year 2002-2003** to ensure that the early release of dangerous felons is not required. As of **June 25, 1998**, Florida had sufficient **prison capacity** to incarcerate approximately **4,957 more felons**. [The current prison capacity does not indicate that the Department of Corrections could accommodate that precise number of sentenced felons. Some prison beds are under repair, and some additional staffing could be required to operate these beds.]

**75%** of the felons incarcerated in Florida's prisons have committed a **violent crime**, a **weapons offense** or have been recaptured after an **escape**. Approximately **one-third** of all state prisoners have been sentenced to prison at least **three times**. Legislation passed during the 1997 session entitled the "**Prison Releasee Reoffender Punishment Act**" now requires the court to impose the **maximum prison term** on any released state prisoner who commits a violent crime within **three years** of their release from prison.

Only **2.9 %** of all state prisoners were sentenced primarily on a **drug possession offense**. Of those inmates, over **96%** have been previously sentenced to prison, probation or other community supervision in Florida. **1.4%** of all prisoners, **961 inmates**, have been sentenced to state prison for **grand theft of an automobile**.

State prisoners now serve **72.9%** of their court-imposed sentences; this is more than **twice** the time served by prisoners in **June, 1991**, when they served **33.9%** of their sentences. The inmate **population** has significantly increased since June 30, **1990**, growing from **42,733** to **66,059** on May 22, **1998**.

Prisoners who committed their crimes after **October 1, 1995**, must serve at least **85%** of their prison sentences. The average prisoner convicted of **armed robbery** and sentenced under the 85% law will serve **9.5 years in state prison**. The average prisoner convicted of an aggravated **sexual battery**, involving the use of a weapon or the infliction of serious bodily injury, will serve **12 years**. The average prisoner convicted of a non-aggravated **sexual battery** will serve **7.7 years**. The average inmate convicted of a **lewd or lascivious assault** will serve **5.5 years**.

The average state prisoner convicted of **burglary** of a home and sentenced under the 85% law will serve **4.5 years** in state prison. A state prisoner convicted of **aggravated assault** will serve **2.6 years** in state prison. The average state prisoner convicted of **driving under the influence, with injury**, will serve **3.5 years**. The average prisoner convicted of **selling drugs** under this law will serve **3.1 years** in state prison. The average state prisoner sentenced for a **felony drug possession** conviction will serve **2.4 years**.

Each Floridian spends about **21¢ a day**, or **\$7.36 a month** to incarcerate and care for approximately **66,000** state prisoners. According to the 1996 Report "The State of Violent Crime in America" issued by the Council on Crime in America, it can be estimated that every **dollar spent** incarcerating felons saves up to **\$2.80** in averted costs which would have been imposed on society by the felon if he or she had not been incarcerated. That Report also cited studies that have found that the **benefits** to society of operating a prison cell are **twice as high** as the **cost** of operating the cell.

Delays in **death-penalty** cases **continue to increase**. Since **1978**, when Florida executed its first convicted murderer under the revised capital sentencing laws, delays prior to execution have increased by **80%**. Since **1994**, when the Florida Supreme Court attempted to reduce delays by imposing time limits on certain appeals, the average delay prior to execution is **14 years**. These delays have increased despite legislative action significantly increasing state funding to provide "postconviction" legal representation for **death row inmates**. Florida has increased its funding for postconviction legal representation by **225%**, since creating the Office of Capital Collateral Representative in 1987.

Prison **escapes** continue to **decline**. In fiscal year **1988**, **1,640 inmates** escaped from the Department of Corrections. By fiscal year **1997**, that number had declined to **191**, an **88%** decrease.

As of June 30, 1997, **135,001** convicted criminal offenders were placed on probation, house arrest [community control], drug offender probation, and pretrial intervention, including at least **113,467 felons**. These sentences are known as "community supervision", because the offender is not sentenced to state prison or the county jail. **51,020** of these criminal offenders had been previously sentenced to probation, house arrest, or some other type of community supervision. During fiscal year 1996-97, the courts "revoked" the sentence of community supervision, based on the offenders' violations of their supervision, in **42,461 cases**. At least **16,039** of these revocations were based on new crimes committed by the offenders, including **11,123 new felonies**. [Florida Department of Corrections 1996-97 Annual Report, page 131.]

The Department of Corrections collected **\$72,008,855** in costs of supervision, victim restitution, fines and court costs and miscellaneous fees from offenders under community supervision. Victim restitution accounted for **\$25,117,706**, or **34.8%** of this amount. **Work-release inmates** paid **\$229,957** in victim restitution, or **1.4%** out of their earnings of **\$15,927, 012**.

The following data provides more information on state prisoners and corrections in Florida. All charts are based on data provided by the Florida Department of Corrections, unless otherwise noted.

- ◆ State expenditures for the custody and control of all inmates held by the Department of Corrections total approximately 1.2 billion dollars, or about **2.5% percent of the state budget**. Less than **three cents** of every **dollar** of state expenditure is spent to incarcerate or detain felons committed to the Department of Corrections.
- ◆ The **entire** criminal justice budget in the 98-99 General Appropriations Act is just over **seven** cents on the dollar. This includes the entire budget for the Department of Corrections and all state prisons, the Judicial Branch, including the Florida Supreme Court, District Courts of Appeal, Circuit and County Courts, state expenditures for State Attorney and Public Defender offices, the Florida Department of Law Enforcement, the Department of Juvenile Justice, the Attorney General's office, the Florida Parole Commission, and other related state entities.
- ◆ Over **twice as many** felons are on **probation, parole, house arrest, or other type of non-prison status** as are in **state prison**. [144,735 vs. 66,059.]
- ◆ **53.7%** of state prisoners incarcerated on June 30, 1997 have been to state prison at least **twice**, up from 1987 when **34.4%** of all prisoners had been previously sentenced to state prison.
- ◆ **46,719** criminals have absconded from probation, house arrest, parole, and other types of community supervision, and their whereabouts are currently unknown.
- ◆ As of June 30, 1998, there were **13,716** habitual offenders in prison, out of **66,280** inmates.

**FLORIDA'S PRISONERS: THEIR CRIMES***(State Prison Inmate Population on May 22, 1998 and their primary offense at conviction)*

CATEGORY	White Males	White Females	Black Males	Black Females	Other Males	Other Females	Total
<b>MURDER, MANSLAUGHTER</b>							
1st Degree Murder	2,193	124	2,399	77	162	6	4,961
2nd Degree Murder	1,518	112	2,168	129	95	6	4,028
3rd Degree Murder	33	8	65	2	1	0	109
Homicide, Other	23	1	22	0	2	0	48
Manslaughter	275	29	367	38	33	6	748
DUI Manslaughter	343	56	40	4	10	2	455
<b>SEXUAL OFFENSES</b>							
Capital Sexual Battery	1,738	14	528	3	62	1	2,346
Life Sexual Battery	540	0	689	1	19	0	1,249
1st Degree Sexual Battery	563	9	279	1	10	0	862
2nd Degree Sexual Battery	236	2	275	1	6	0	520
Sexual Battery, Other	68	0	132	0	1	0	201
Lewd, Lascivious Behavior	1,352	14	496	1	34	0	1,897
<b>ROBBERY</b>							
Robbery with Weapon	1,855	56	4,928	117	103	3	7,062
Robbery without Weapon	948	51	1,979	87	38	4	3,107
Home Invasion, Robbery	69	3	60	4	9	0	145
<b>VIOLENT PERSONAL OFFENSES</b>							
Home Invasion, Other	0	0	0	0	1	0	1
Carjacking	114	5	195	8	7	1	330
Aggravated Assault	310	15	358	35	13	0	731
Aggravated Battery	1,066	36	1,448	215	65	3	2,833
Assault and Battery on L.E.O.	347	19	532	42	17	1	958
Assault and Battery, Other	21	7	50	2	2	0	82
Aggravated Stalking	64	1	26	2	0	0	93
Resisting Arrest with Violence	126	5	220	7	2	0	360
Kidnapping	653	10	714	7	45	1	1,430
Arson	214	17	106	21	3	1	362
Abuse of Children	109	20	63	33	4	3	232
Leaving Accident Scene	72	8	39	3	3	0	125

CATEGORY	White Males	White Females	Black Males	Black Females	Other Males	Other Females	Total
DUI, Injury	116	18	18	1	3	0	156
Other Violent Offenses	51	3	57	1	2	0	114
<b>BURGLARY</b>							
Burglary of Structure	1,010	16	1,301	23	34	1	2,385
Burglary of Dwelling	3,007	135	2,383	86	136	8	5,755
Armed Burglary	1,107	21	836	17	53	3	2,037
Burglary with Assault	595	18	960	22	31	1	1,627
Burglary/Trespass, Other	40	3	38	1	2	0	84
<b>THEFT, FORGERY, FRAUD</b>							
Grand Theft, Other	491	76	365	79	10	6	1,027
Grand Theft, Automobile	477	31	425	13	13	2	961
Stolen Property	1,077	57	584	32	22	1	1,773
Forgery, Uttering & Counterfeiting	181	64	151	40	2	0	438
Worthless Checks	56	18	28	11	1	0	114
Fraudulent Practices	93	15	144	18	1	3	274
Other Theft, Property Damage	45	10	120	37	1	1	214
<b>DRUGS</b>							
Drugs, Sale/Purchase/Manufacturing	551	99	5,122	335	41	3	6,151
Drugs, Trafficking	939	98	962	120	80	39	2,238
Drugs, Possession/Other	397	118	1,273	135	13	1	1,937
<b>WEAPONS</b>							
Weapons, Discharging	124	1	166	7	9	1	308
Weapons, Possession	461	15	933	23	20	0	1,452
<b>OTHER OFFENSES</b>							
Escape	402	26	388	29	13	2	860
DUI, No Injury	228	12	13	0	2	0	255
Traffic, Other	86	1	32	1	1	0	121
Racketeering	95	6	35	5	8	1	150
Pollution/Hazardous Materials	1	0	3	0	0	0	4
Other Offenses	85	10	85	3	2	1	186
DATA UNAVAILABLE	68	2	84	8	1	0	163
<b>TOTAL</b>	<b>26,633</b>	<b>1,495</b>	<b>34,684</b>	<b>1,887</b>	<b>1,248</b>	<b>112</b>	<b>66,059</b>

**FLORIDA'S PRISONERS: THEIR SENTENCES***(Average Expected Time-served Under The 85% Law For Fiscal Year 1996-97)*

Offense	Average Expected Time-Served (Years)	Total # of Admissions
01 - Capital Murder	27.3	161
02 - 2nd Degree Murder	17.9	139
03 - 3rd Degree Murder	13.9	7
04 - Homicide, Other	20.9	3
05 - Manslaughter	9.5	68
06 - DUI Manslaughter	10.4	53
07 - Capital Sexual Battery	19.3	67
08 - Life Sexual Battery	17.1	43
09 - 1st Degree Sexual Battery	12.0	31
10 - 2nd Degree Sexual Battery	7.7	53
11 - Sexual Assault, Other	*	0
12 - Lewd/Lascivious Behavior	5.5	240
13 - Robbery with Weapon	9.5	795
14 - Robbery without Weapon	4.8	476
15 - Home Invasion, Robbery	7.0	53
16 - Home Invasion, Other	*	0
17 - Carjacking	11.4	84
18 - Aggravated Assault	2.6	227
19 - Aggravated Battery	4.9	566
20 - Assault/Battery on L.E.O.	3.2	212
21 - Assault/Battery, Other	2.2	24
22 - Aggravated Stalking	2.8	34
23 - Resisting Arrest with Violence	2.6	107
24 - Kidnapping	13.9	83
25 - Arson	4.8	67
26 - Abuse of Children	6.6	37
27 - Violent, Other	8.3	29
28 - Burglary, Structure	3.4	691
29 - Burglary, Dwelling	4.5	1,183
30 - Burglary, Armed	6.5	247
31 - Burglary with Assault	8.4	180
32 - Burglary/Trespass, Other	3.4	31

Offense	Average Expected Time-Served (Years)	Total # of Admissions
33 - Grand Theft, Other	3.4	181
34 - Grand Theft, Automobile	3.6	296
35 - Stolen Property	3.7	316
36 - Forgery/Counterfeiting	1.7	60
37 - Worthless Checks	1.8	8
38 - Fraudulent Practices	4.2	57
39 - Other Theft/Property Damage	1.6	64
40 - Drugs, Manufacture/Sale/Purchase	3.1	1,552
41 - Drugs, Trafficking	6.2	443
42 - Drugs, Possession/Other	2.4	647
43 - Weapons, Discharging	2.5	74
44 - Weapons, Possession	4.3	361
45 - Weapons, Other	*	0
46 - Escape	3.2	177
47 - Leave Accident with Injury/Death	3.9	28
48 - DUI, No Injury	2.2	118
49 - DUI, Injury	3.5	40
50 - Traffic, Other	1.8	69
51 - Racketeering	8.5	1
52 - Pollution/Hazardous Materials	1.6	1
53 - Other	2.6	50

\* No admissions for this category.

## FLORIDA PROJECTED PRISON POPULATION BY FISCAL YEAR

The following estimates were adopted  
by the Criminal Justice Estimating Conference on February 20, 1998.

Year	Admissions	Releases	End Of Year Population
FY 1997-98	25,342	22,421	67,694
FY 1998-99	27,878	21,869	73,703
FY 1999-00	29,388	23,315	79,776
FY 2000-01	30,462	25,578	84,660
FY 2001-02	30,877	25,930	89,607
FY 2002-03	30,957	26,724	93,840

**RECIDIVISM & DRUG-POSSESSION OFFENDERS**

(Florida Prisoners Incarcerated on June 12, 1998)

<b>PRIOR PRISON &amp; PROBATION (SUPERVISION) SENTENCES</b>	<b>NUMBER OF INMATES</b>	<b>PERCENT OF TOTAL</b>	<b>CUMULATIVE PERCENT</b>
No Prison / No Supervision	66	3.4%	<b>3.4%</b>
No Prison / 1 Supervision	110	5.7%	<b>9.1%</b>
No Prison / 2 Supervision	84	4.3%	<b>13.4%</b>
No Prison / 3+ Supervision	175	9.0%	<b>22.4%</b>
1 Prison / 0 Supervision	117	6.0%	<b>28.5%</b>
1 Prison / 1 Supervision	52	2.7%	<b>31.2%</b>
1 Prison / 2 Supervision	77	4.0%	<b>35.1%</b>
1 Prison / 3+ Supervision	128	6.6%	<b>41.7%</b>
2 Prison / 0 Supervision	197	10.2%	<b>51.9%</b>
2 Prison / 1 Supervision	34	1.8%	<b>53.7%</b>
2 Prison / 2 Supervision	51	2.6%	<b>56.3%</b>
2 Prison / 3+ Supervision	109	5.6%	<b>61.9%</b>
3+ Prison Commitments	738	38.1%	<b>100.0%</b>
<b>TOTAL</b>	<b>1,938</b>	<b>100.0%</b>	

Note: Data does not reflect prior commitments to other states or local jails.

**RECIDIVISM, BY RACE & GENDER**

(Prior Prison Sentences, Inmate Population on June 30, 1997)

<b># of Prior Sentences</b>	<b>White Males</b>	<b>White Females</b>	<b>Black Males</b>	<b>Black Females</b>	<b>Other Males</b>	<b>Other Females</b>	<b>Total</b>	<b>%</b>	<b>Cumulative Percent</b>
None	14,562	1,011	12,631	939	704	85	29,932	46.3	46.3
1	5,412	250	7,555	392	292	9	13,910	21.5	67.8
2	3,021	118	5,879	276	131	6	9,431	14.6	82.4
3	1,673	66	3,897	143	60	0	5,839	9	91.4
4	805	19	2,209	65	24	1	3,123	4.8	96.2
5	337	5	1,065	31	5	0	1,443	2.2	98.5
6	129	1	460	8	3	0	601	0.9	99.4
7	60	0	188	4	1	0	253	0.4	99.8
8	19	0	72	0	0	0	91	0.1	99.9
9+	6	0	34	1	0	0	41	0.1	100
Data Unavailable	24	0	24	1	0	0	49		
<b>TOTAL</b>	<b>26,048</b>	<b>1,470</b>	<b>34,014</b>	<b>1,860</b>	<b>1,220</b>	<b>101</b>	<b>64,713</b>	<b>100</b>	<b>100</b>



# **RECIDIVISM OF CRIMINALS SERVING PROBATION & OTHER NON-PRISON SENTENCES**

*(Supervision Population on June 30, 1997)*

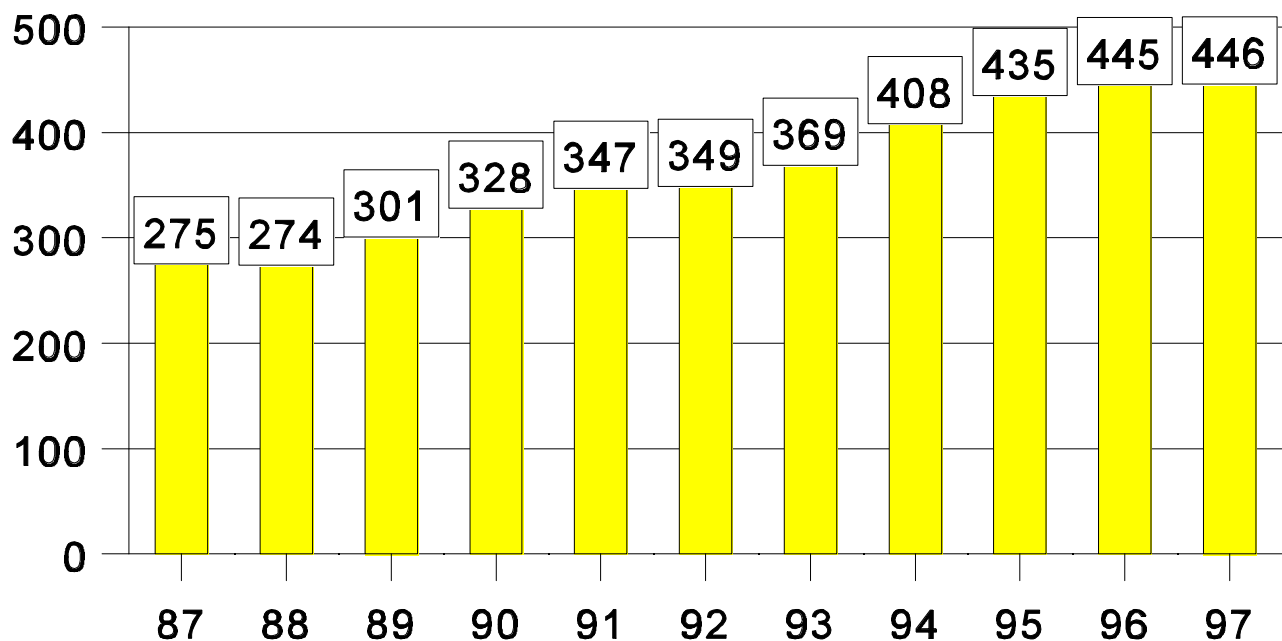
# of Prior Non-Prison Sentences	ORIGINAL SENTENCE				POST-PRISON RELEASE				Total	Percent
	Probation	Drug Offender Probation	Community Control	Pre-trial Intervention	Parole	Conditional Release	Control Release	Other Post-Prison Release		
None	67,430	4,072	4,673	7,806	1,865	247	231	16	86,340	60.4
1	20,691	2,939	5,111	470	489	761	412	18	30,891	21.6
2	8,109	1,479	2,524	61	117	935	407	9	13,641	9.5
3	3,436	707	1,212	1	37	855	299	12	6,559	4.6
4	1,551	381	572	1	14	508	132	9	3,168	2.2
5 or More	919	343	513	0	2	452	72	11	2,312	1.6
<b>TOTAL</b>	<b>102,136</b>	<b>9,921</b>	<b>14,605</b>	<b>8,339</b>	<b>2,524</b>	<b>3,758</b>	<b>1,553</b>	<b>75</b>	<b>142,911</b>	<b>100.0</b>

**INCARCERATION RATES IN FLORIDA AND NATIONWIDE**

The rate of prison incarceration in Florida has increased 64% since 1987. That year, the state incarcerated 275 people per 100,000 state residents. In 1997, the state incarcerated 446 people per 100,000 state residents. During this time, the crime rate has declined 14.8%. Florida's 1997 preliminary incarceration rate ranks **twelfth** nationwide among the states. A final table lists the average population of each county jail.

**RATE OF INCARCERATION OF FLORIDA PRISONERS**

*Per 100,000 Population*



**NATIONWIDE STATE PRISONER INCARCERATION RATE IN 1997, BY STATE****National Rate = 401 State Prisoners per 100,000 Population\***

RANK	STATE	RATE
1	Texas	677
2	Louisiana	651
3	Oklahoma	599
4	South Carolina	542
5	Mississippi	505
5	Nevada	505
7	Alabama	499
8	Arizona	484
9	Georgia	476
10	California	466
11	Michigan	454
12	Florida	443
13	Delaware	442
14	Missouri	438
15	Ohio	422
16	Maryland	417
17	Virginia	412
18	Alaska	396
19	North Carolina	385
20	New York	383
21	Arkansas	368
22	Kentucky	355
23	New Jersey	346
24	Illinois	340
25	Idaho	339

RANK	STATE	RATE
26	Colorado	330
27	Connecticut	322
28	Wyoming	304
29	Kansas	302
30	Massachusetts	301
31	Indiana	296
32	South Dakota	296
33	Tennessee	294
34	Pennsylvania	288
35	Hawaii	258
36	Montana	258
37	New Mexico	258
38	Wisconsin	256
39	Iowa	232
40	Oregon	226
41	Washington	226
42	Rhode Island	203
43	Utah	202
44	Nebraska	201
45	New Hampshire	183
46	West Virginia	163
47	Vermont	152
48	Maine	118
49	Minnesota	114
50	North Dakota	104
	District of Columbia	1,373

[Source: Morgan Quitno, Crime State Rankings 1998, Morgan Quitno Press, based on data from U.S. Department of Justice Statistics, "Prison and Jail Inmates at Midyear 1997" (January 1998, NCJ-167247)]

\*As of June, 1997. Includes only inmates sentenced to more than one year. Does not include federal incarceration rate of 35 prisoners per 100,000 population. State and federal combined incarceration rate is 436 prisoners per 100,000 population.

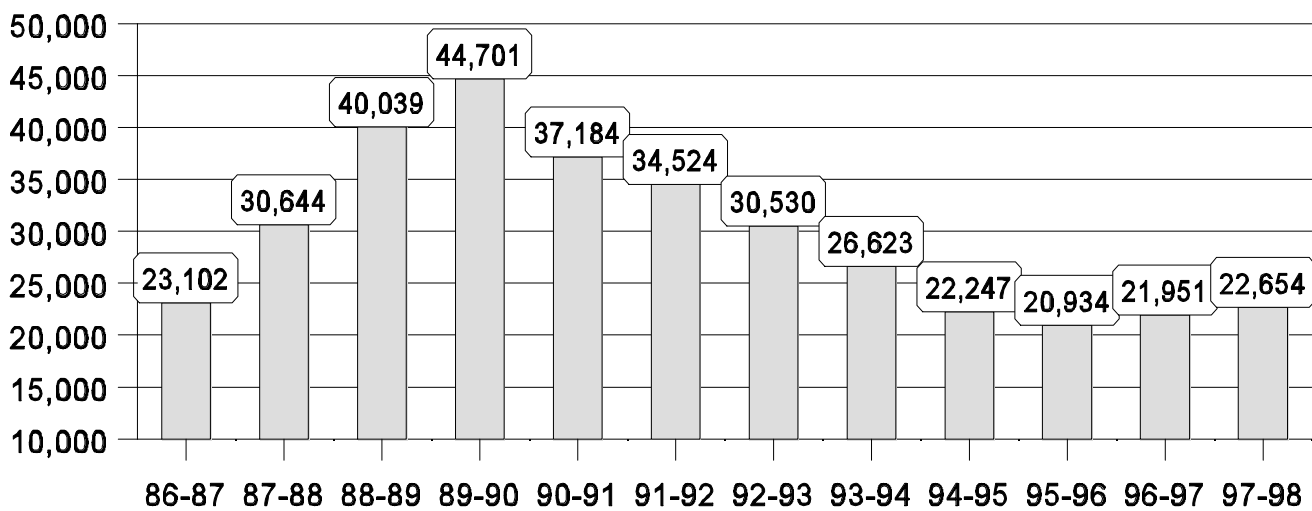
**1997 AVERAGE COUNTY JAIL INCARCERATION RATES  
PER 1,000 RESIDENTS**

COUNTY	AVERAGE 1997 JAIL POPULATION	1997 COUNTY POPULATION	AVERAGE INCARCERATION RATE
Alachua	575	208,125	3.6
Baker	84	21,138	4.0
Bay	874	144,584	6.0
Bradford	103	25,231	4.1
Brevard	976	458,035	2.1
Broward	4,344	1,423,729	3.1
Calhoun	26	12,876	2.0
Charlotte	200	131,307	1.5
Citrus	270	109,984	2.5
Clay	232	127,926	1.8
Collier	682	200,024	3.4
Columbia	256	53,684	4.8
Dade	7,470	2,070,573	3.6
DeSoto	121	27,224	4.4
Dixie	89	13,039	6.8
Duval	2,633	741,508	3.6
Escambia	1,383	291,135	4.8
Flagler	79	41,190	1.9
Franklin	88	10,497	8.4
Gadsden	130	49,740	2.6
Gilchrist	17	12,531	1.4
Glades	30	9,648	3.1
Gulf	40	14,103	2.8
Hamilton	70	13,708	5.1
Hardee	99	22,447	4.4
Hendry	143	30,308	4.7
Hernando	353	122,099	2.9
Highlands	260	79,536	3.3
Hillsborough	2,923	928,731	3.1
Holmes	26	17,609	1.5
Indian River	400	104,605	3.8

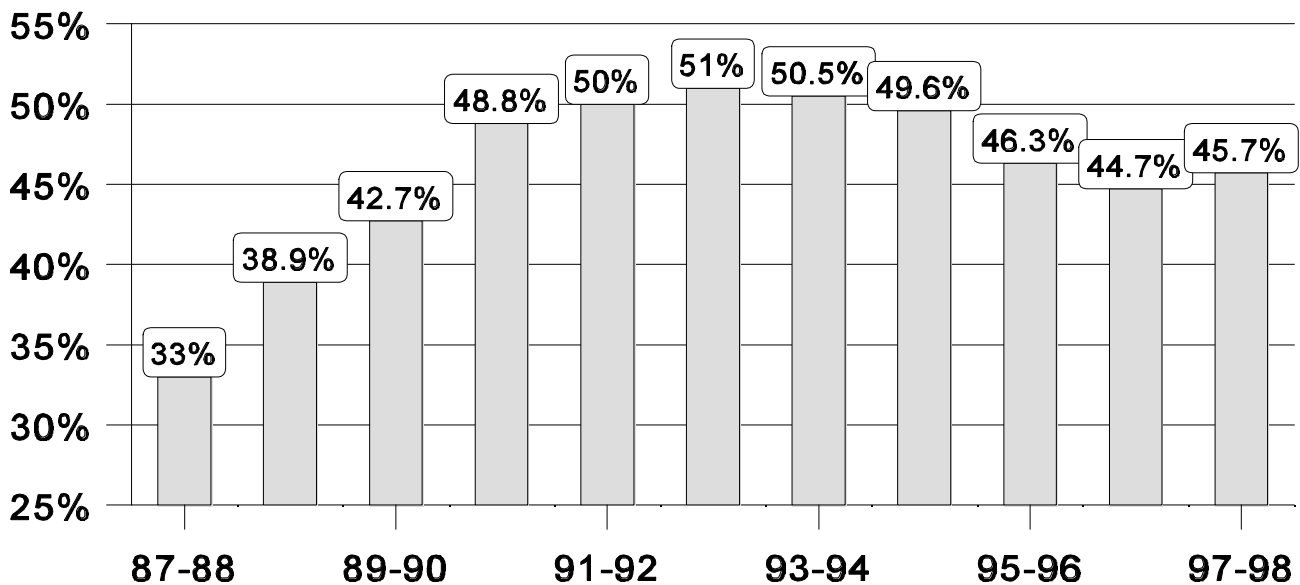
COUNTY	AVERAGE 1997 JAIL POPULATION	1997 COUNTY POPULATION	AVERAGE INCARCERATION RATE
Jackson	290	49,387	5.9
Jefferson	25	13,988	1.8
Lafayette	30	7,002	4.3
Lake	576	188,331	3.1
Lee	1,070	394,244	2.7
Leon	877	227,714	3.9
Levy	97	31,591	3.1
Liberty	7	7,694	0.9
Madison	74	19,035	3.9
Manatee	1,048	241,422	4.3
Marion	1,233	237,204	5.2
Martin	476	116,359	4.1
Monroe	565	84,743	6.7
Nassau	123	52,740	2.3
Okaloosa	433	171,038	2.5
Okeechobee	174	34,746	5.0
Orange	3,340	803,614	4.2
Osceola	597	143,828	4.2
Palm Beach	2,409	1,003,798	2.4
Pasco	577	315,785	1.8
Pinellas	2,274	888,141	2.6
Polk	1,819	459,010	4.0
Putnam	218	70,243	3.1
Santa Rosa	285	102,338	2.8
Sarasota	589	311,043	1.9
Seminole	973	337,498	2.9
St. Johns	314	105,965	3.0
St. Lucie	916	179,133	5.1
Sumter	135	44,366	3.0
Suwannee	152	33,223	4.6
Taylor	123	19,184	6.4
Union	15	13,103	1.1
Volusia	1,219	413,668	2.9

COUNTY	AVERAGE 1997 JAIL POPULATION	1997 COUNTY POPULATION	AVERAGE INCARCERATION RATE
Wakulla	147	18,660	7.9
Walton	98	36,094	2.7
Washington	43	20,116	2.1
<b>TOTAL</b>	<b>48,499</b>	<b>14,712,922</b>	<b>3.3</b>

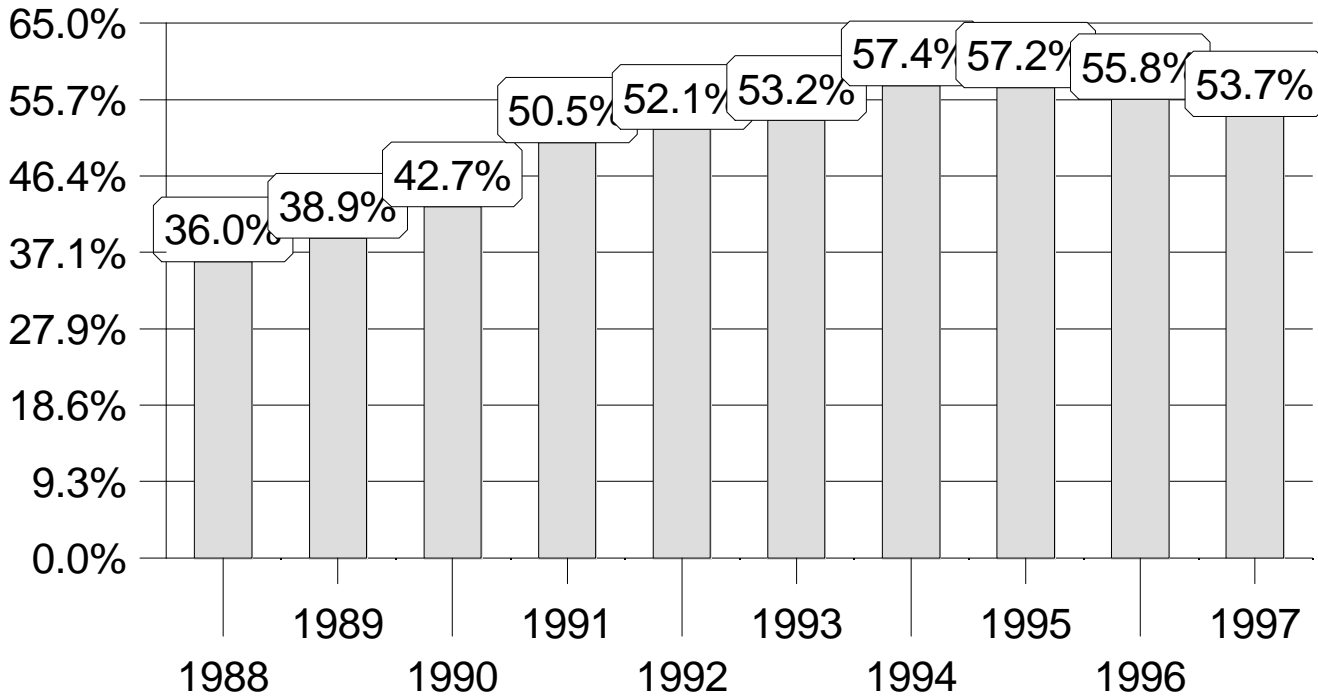
### FLORIDA'S PRISON INMATE ADMISSIONS



### PERCENT OF INMATE ADMISSIONS WITH PRIOR PRISON SENTENCES



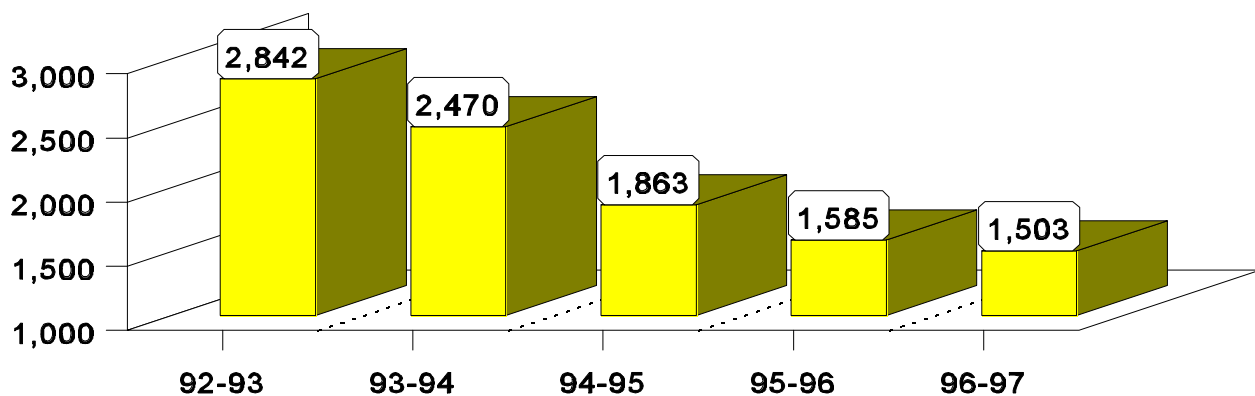
### PERCENT OF TOTAL INMATE POPULATION WITH PRIOR SENTENCES TO FLORIDA'S PRISON SYSTEM



### MANDATORY SENTENCING DECLINING

Several mandatory sentencing laws have been eliminated in the last decade. This has resulted in fewer prison admissions involving such sentences.

### ADMISSIONS WITH MANDATORY SENTENCES

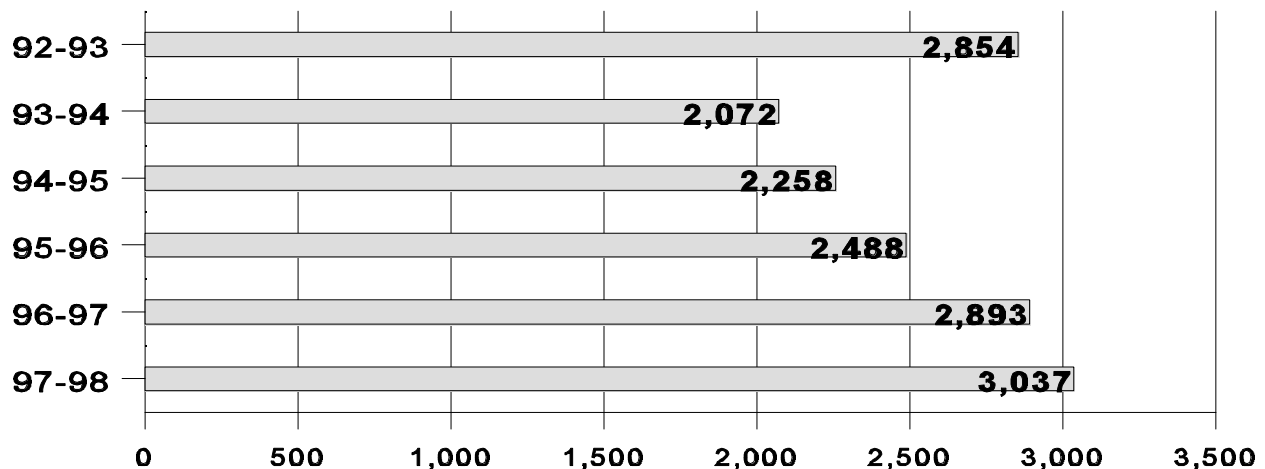


## HABITUAL OFFENDER SENTENCING

Florida law allows judges to impose enhanced criminal penalties, including **double** the maximum sentence allowed under the law, on certain repeat offenders. [Section 775.084, Florida Statutes.] Two types of repeat offenders who qualify for enhanced criminal penalties are “**Habitual Violent Felony Offenders**” and “**Habitual Felony Offenders**”. A felon qualifies for sentencing as a Violent Habitual Offender if he or she has a past conviction of a violent felony and commits a later felony within **five years** of committing the prior felony or within **five years** of being released from prison, or while in prison. A felon qualifies as an Habitual Felony Offender if he or she has committed **two** prior felonies and commits a later felony within five years of the earlier felony or within five years of being released from prison.

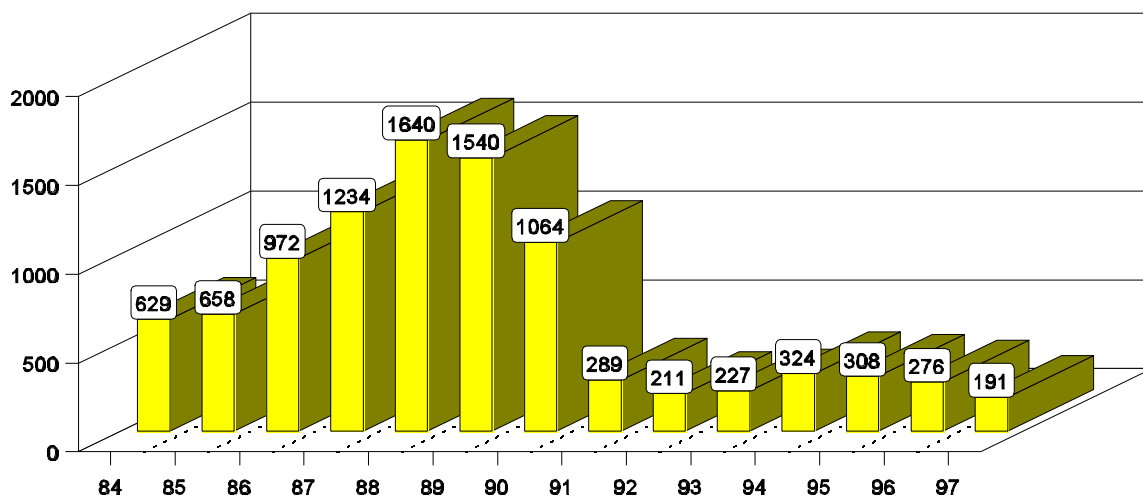
The law authorizing these enhanced penalties does **not** mandate that the courts must sentence habitual offenders to the enhanced criminal sentences.

### HABITUAL OFFENDER ADMISSIONS



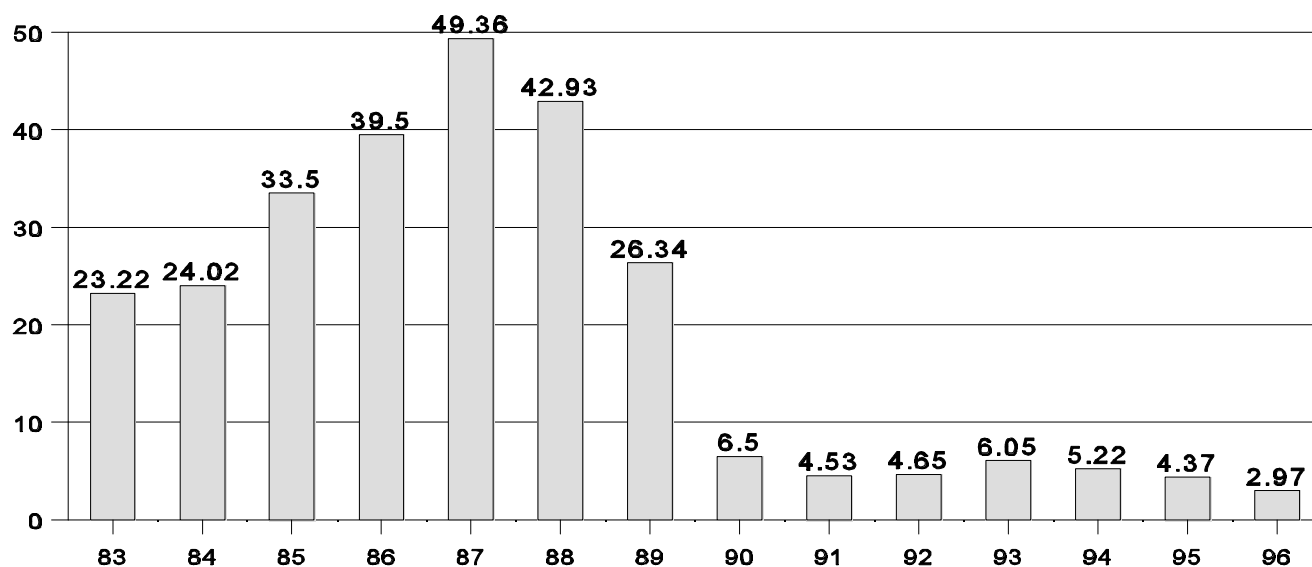
## ESCAPES FROM FLORIDA PRISONS

### TOTAL INMATE ESCAPES





## ESCAPES PER 1,000 INMATE POPULATION



## PAST LEGISLATIVE FUNDING FOR NEW PRISON CONSTRUCTION

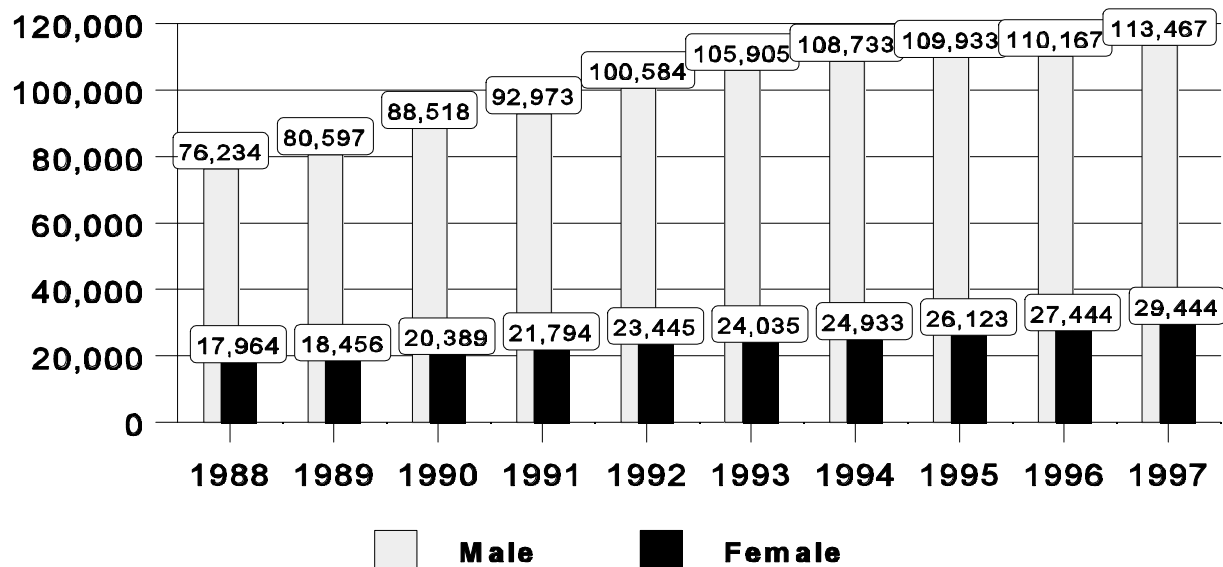
YEAR	NUMBER OF PRISON BEDS FUNDED
1984	416
1985	20
1986	1,609
1987	4,158
1987 Special Session	1,133
1988	4,085
1989	8,022*
1990	6,508*
1991	178
1992	0
1993	0
1993 Special Session	6,951
1994	17,033
1995	3,776
1996	0
1997	0
1998	4,103

[Source: Department of Corrections, Annual Report]

\* Number of appropriated beds was adjusted for beds subsequently deleted due to budget reduction.

## PRIVATE PRISON FACILITIES IN FLORIDA

State Contracting Entity	Type of Facility	Number of Beds	Name of Facility	Private Contractor
Dept. of Corrections	Adult	768	Gadsden C.I. (Gretna)	Corrections Corp. of America
Correctional Privatization Comm.	Adult	750	Moorehaven C.I.	Wackenhut Corrections Corp.
Correctional Privatization Comm.	Adult	750	Bay C.I.	Corrections Corp. of America
Correctional Privatization Comm.	Adult	1, 318	South Bay C.I.	Wackenhut Corrections Corp.
Correctional Privatization Comm.	Youthful Offender	350	Lake City C.I.	Corrections Corp. of America

FELONS SERVING PROBATIONARY SENTENCES  
(COMMUNITY SUPERVISION)

## CRIMINALS ADMITTED TO PROBATION & OTHER NON-PRISON SENTENCES (FY 1996-97)

CATEGORY	TOTAL	PERCENT
<b>ORIGINAL SENTENCE</b>		
Felony Probation	56,697	59.4
Misdemeanor Probation	1,607	1.7
Administrative Probation	627	0.7
<b>Probation Total</b>	<b>58,931</b>	<b>61.8</b>
<b>Drug Offender Probation</b>	<b>7,665</b>	<b>8</b>
<b>Community Control</b>	<b>14,880</b>	<b>15.5</b>
<b>Pretrial Intervention</b>	<b>9,251</b>	<b>9.7</b>
<b>Original Sentence Total</b>	<b>90,677</b>	<b>95</b>
<b>POST-PRISON RELEASE</b>		
Florida Parole	137	0.1
Other State Parole	667	0.7
<b>Parole Total</b>	<b>804</b>	<b>0.8</b>
<b>Conditional Release</b>	<b>3,861</b>	<b>4</b>
<b>Conditional Medical Release</b>	<b>12</b>	<b>0</b>
<b>Other Post-Prison Release</b>	<b>75</b>	<b>0.1</b>
<b>Post-Prison Release Total</b>	<b>4,752</b>	<b>5</b>
<b>GRAND TOTAL</b>	<b>95,429</b>	<b>100</b>

**CRIMES COMMITTED BY PERSONS SERVING  
PROBATION & NON-PRISON SENTENCES, AS OF JUNE 30, 1997**

CATEGORY	TOTAL	PERCENT
<b>MURDER, MANSLAUGHTER</b>	2,369	1.7
Capital Murder	370	0.3
2nd Degree Murder	779	0.5
3rd Degree Murder	71	0.1
Homicide, Other	67	0.0
Manslaughter	737	0.5
DUI Manslaughter	345	0.2
<b>SEXUAL OFFENSES</b>	8,601	6.1
Capital Sexual Battery	1,035	0.7
Life Sexual Battery	269	0.2
1st Degree Sexual Battery	1,156	0.8
2nd Degree Sexual Battery	645	0.5
Sexual Battery, Other	102	0.1
Lewd/Lascivious Behavior	5,394	3.8
<b>ROBBERY</b>	4,941	3.5
Robbery with Weapon	2,347	1.7
Robbery without Weapon	2,570	1.8
Home Invasion, Robbery	24	0.0
<b>VIOLENT PERSONAL OFFENSES</b>	20,830	14.7
Home Invasion, Other	6	0.0
Carjacking	40	0.0
Aggravated Assault	4,773	3.4
Aggravated Battery	5,646	4.0
Assault/Battery on L.E.O.	3,007	2.1
Assault/Battery, Other	389	0.3
Aggravated Stalking	504	0.4
Resisting Arrest w/Violence	1,830	1.3
Kidnapping	775	0.5
Arson	750	0.5
Abuse of Children	961	0.7
Leaving Accident Scene	928	0.7

CATEGORY	TOTAL	PERCENT
DUI, Injury	612	0.4
Violent, Other	609	0.4
<b>BURGLARY</b>	14,881	10.5
Burglary, Structure	7,634	5.4
Burglary, Dwelling	4,586	3.2
Burglary, Armed	770	0.5
Burglary w/Assault	915	0.6
Burglary/Trespass, Other	976	0.7
<b>THEFT, FORGERY, FRAUD</b>	36,872	26.0
Grand Theft, Other	15,362	10.8
Grand Theft, Automobile	2,716	1.9
Stolen Property	3,793	2.7
Forgery/Counterfeiting	4,683	3.3
Worthless Checks	3,222	2.3
Fraudulent Practices	5,855	4.1
Theft/Property Damage, Other	1,241	0.9
<b>DRUGS</b>	38,521	27.2
Manufacture/Sale/Purchase	15,532	10.9
Drugs, Trafficking	2,004	1.4
Drugs, Possession/Other	20,985	14.8
<b>WEAPONS</b>	4,469	3.2
Weapons, Discharging	941	0.7
Weapons, Possession	3,486	2.5
Weapons, Other	42	0.0
<b>OTHER OFFENSES</b>	10,379	7.3
Escape	973	0.7
DUI, No Injury	1,248	0.9
Traffic, Other	1,941	1.4
Racketeering	315	0.2
Pollution/Hazardous Materials	197	0.1
Other	5,705	4.0
DATA UNAVAILABLE	1,048	
<b>TOTAL</b>	<b>142,911</b>	<b>100.0</b>

**PAYMENTS COLLECTED BY DEPARTMENT OF CORRECTIONS  
FROM CRIMINALS SERVING NON-PRISON SENTENCES**

<b>Fiscal Year</b>	<b>For Cost of Supervision</b>	<b>For Victim Restitution</b>	<b>Fines and Court Costs</b>	<b>Subsistence for PRCs, CCCs*</b>	<b>Other**</b>	<b>Total</b>
92-93	\$20,135,584	\$18,092,534	\$8,522,615	-----	-----	\$46,750,733
93-94	\$18,930,643	\$18,540,461	\$9,608,797	-----	-----	\$47,079,901
94-95	\$20,662,225	\$21,594,033	\$10,148,772	-----	-----	\$52,405,030
95-96	\$21,845,024	\$23,377,325	\$10,651,882	-----	-----	\$55,874,231
96-97	\$22,489,760	\$25,117,706	\$11,198,399	\$7,794,966	\$4,750,273	\$72,008,855

[Source: Department of Corrections, 1996-97 Annual Report] \* Probation and Restitution Centers (PRCs) and Community Correctional Centers (CCCs) collect room and board from offenders under their supervision because they have jobs in the community. \*\* Community Corrections also collects other costs (crimes compensation, transportation, electronic monitoring, drug testing fees, surcharge and others.)

**BREAKDOWN OF EARNINGS  
FROM WORK RELEASE INMATES  
FY 1996-1997**

<b>CATEGORY</b>	<b>AMOUNT</b>	<b>PERCENTAGE</b>
<b>Debts</b>	\$18,338	0.1%
<b>Dependents</b>	\$1,076,339	6.8%
<b>Earnings Received at Release</b>	\$2,576,777	16.2%
<b>Fines/Court Costs</b>	\$495,569	3.1%
<b>Personal Expenses</b>	\$3,782,832	23.8%
<b>Room and Board</b>	\$7,269,804	45.6%
<b>Transportation</b>	\$477,396	3.0%
<b>Victim Restitution</b>	\$229,957	1.4%
<b>TOTAL</b>	<b>\$15,927,012</b>	<b>100%</b>

## DEATH ROW PROCEDURES, APPEALS AND DELAYS

Death-penalty procedures are defined in **section 921.141, Florida Statutes**. If the state is seeking the death penalty in a capital case, a separate “**penalty phase**” is conducted after the defendant is convicted of the crime. The jury recommends whether the trial judge should impose a death sentence or life imprisonment. A defendant, however, can bypass a jury recommendation, even if the state desires one. Although a trial court may choose not to follow a jury’s recommendation, the Florida Supreme Court rarely upholds a death sentence if the jury recommended life in prison.

If a death sentence is imposed and ultimately carried out, the defendant is executed by electrocution. The 1998 Legislature authorized lethal injection as an alternative execution method to the electric chair, if the use of the electric chair is prohibited by the courts.

Before a death sentence may be recommended and imposed, the jury and judge must first find that special “**aggravating circumstances**” exist to justify the imposition of a death sentence. Examples of aggravating circumstances include: 1) whether the murder was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification; 2) whether the victim was less than 12 years of age; 3) whether the murder was “especially heinous, atrocious or cruel”; and 4) whether the murder was committed for economic gain; and other defined factors.

If aggravating circumstances are found, the court must consider whether “**mitigating circumstances**” outweigh the aggravating circumstances. Mitigating circumstances include: 1) whether the defendant was under the influence of extreme mental or emotional disturbance; 2) the defendant’s age; 3) any other factors in the defendant’s background, such as whether the defendant suffered an abusive or impoverished childhood; and 4) other extenuating circumstances.

If the defendant is sentenced to death, the Florida Supreme Court must review the case on appeal. This first appeal is called a “**direct**” or “**plenary**” appeal. Plenary means a complete review of the trial and sentence. In this appeal, the Supreme Court can consider almost every aspect of the defendant’s case, including whether any confession was validly obtained and other errors by the police, any legal errors committed by the trial judge, any improper comments or tactics by the prosecutor, and whether the defendant’s legal and constitutional rights were adequately protected. The Court also carefully scrutinizes the penalty phase, to ensure the trial judge properly considered whether any mitigating circumstances outweighed any aggravating circumstances.

If the Florida Supreme Court denies this first appeal, the defendant in Florida can then file another appeal to the United States Supreme Court, called a “petition for writ of certiorari.” During this second appeal, the defendant can challenge any aspect of his trial and sentence that may have violated his rights under the United States Constitution.

The defendant can also seek **clemency** or a **pardon** from the Governor and the Cabinet. The Governor and Cabinet can grant the defendant a reprieve for any reason whatsoever, and no court can overturn their decision.

If the defendant’s second appeal is denied by the United States Supreme Court, the defendant can file more appeals in state and federal courts called “**postconviction**” or “**collateral**” appeals. Postconviction appeals involve issues such as whether the defendant’s lawyer at trial was incompetent. Many death row inmates use postconviction appeals to make the same arguments that were raised at trial or on direct appeal to the Florida Supreme Court and United States Supreme Court.

Postconviction appeals cause more delays in capital cases than direct appeals. The United States Supreme Court has ruled that the states are **not** required to allow postconviction appeals in state courts. Not only does Florida allow such appeals, it provides free legal representation to death row inmates to file postconviction appeals.

The offices of the Capital Collateral Regional Counsel represent death row inmates in Florida in postconviction appeals. Since fiscal year 1988, Florida has provided over **39 million dollars** in free postconviction legal representation to death row inmates.

In 1996, the Legislature imposed time limits to require prompt judicial rulings in postconviction appeals. The schedules established in section 924.055, Florida Statutes, have not been enforced in the courts, to date. In 1997, the Legislature established the **Commission on the Administration of Justice in Capital Cases**. The Commission is authorized to receive public comments and make recommendations regarding postconviction appeals. The 1998 Legislature ordered the Commission to consider whether eliminating postconviction appeals would reduce delays in capital cases.

More information regarding death row inmates and their appeals is provided below. All data is supplied by the Florida Department of Corrections and Justice Council research, unless noted.

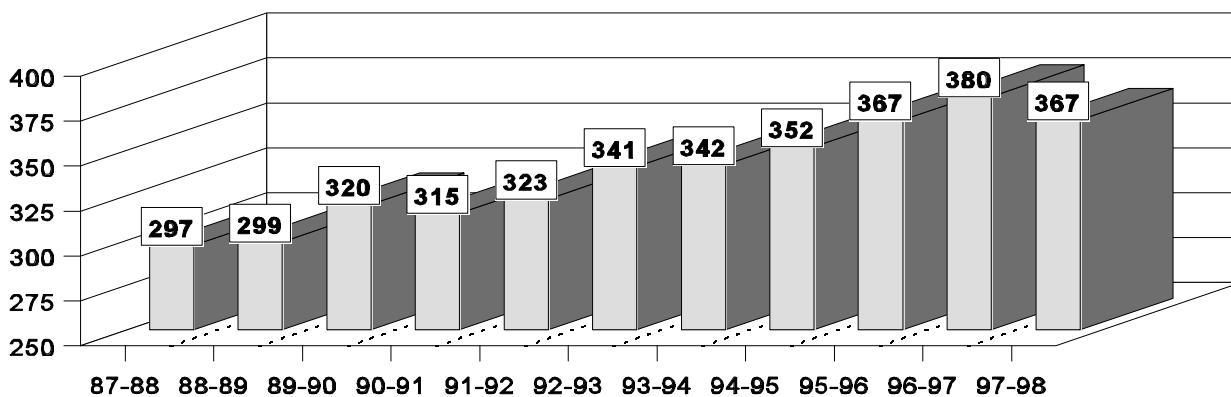
- ◆ Convicted murderers executed in Florida filed an average of **10 appeals** in state and federal courts, most of which were postconviction appeals.
- ◆ In 1994, the Florida Supreme Court required death row inmates to file a postconviction appeal within one year after the United States Supreme Court denies the inmate's second appeal.
- ◆ Since 1994, **eleven** convicted murderers sentenced to death have been executed. Collectively, the delays in their cases totaled **153.78 years**, for an average delay of **13.98 years**.
- ◆ In **1994**, Danny Rolling pled guilty to murdering five college students, after raping three of them. Based on average delays in executions since 1994, Rolling will be executed in **2008**, if the courts do not overturn his sentences.
- ◆ The four death row inmates executed in 1998 filed a total of **52 appeals** in their cases.
- ◆ Leo Jones, executed in 1998 for murdering a police officer, lived on death row longer than any other inmate executed in Florida since 1978--**sixteen years and four months**.
- ◆ Gary Alvord has lived on Florida's death row longer than any other inmate-- **over 24 years**. He was convicted of murdering a family of three women, a grandmother, her daughter and granddaughter, in Hillsborough County.
- ◆ Judy Buenoano was the first woman executed in Florida, in 1998. In 1984, she was convicted of murdering her husband, by poisoning him to death for financial gain. Evidence in her trial indicated that she poisoned another man, after which she also collected insurance proceeds. She had also been convicted of murdering her son in another case.
- ◆ In fiscal year 1998-99, Florida will provide over **6 million dollars** in funding for postconviction legal representation for approximately 200 death row inmates. This funding has increased by **225%** since fiscal year 1987-88. [See fiscal data.]
- ◆ Since **1978**, Florida has executed **43** convicted murderers, and has a current death row population of **367**.
- ◆ Since **1982**, Virginia has executed **51** convicted murders, and has a current death row population of **43**.
- ◆ Since 1991, the average length of stay on Florida's death row prior to execution is **12.51 years**.
- ◆ Since 1991, the average length of stay on Virginia's death row is **8.9 years**, or **29% shorter** than the average length of stay on Florida's death row.



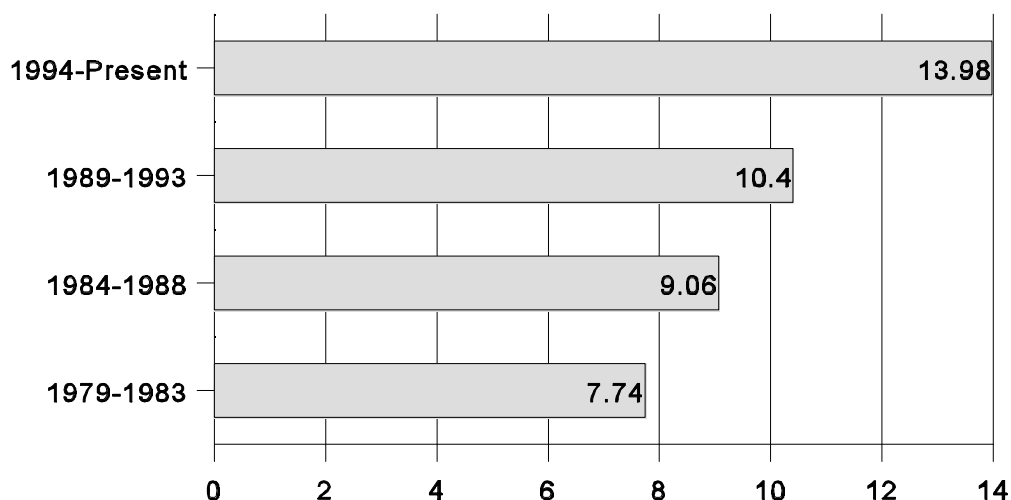
- ◆ **367**, or **7.3%**, of the **4,961** state-prison inmates convicted of capital murder are on death row.
- ◆ **217** death row inmates, or **59%**, are white males; **128** death row inmates, or **34%**, are black males; **17** are males of another ethnic background.
- ◆ Of the 4961 state-prison inmates convicted of capital murder, 2,193, or **44%**, are white males; 2399 inmates, or **48%**, are black males.
- ◆ **9.8%** of white males convicted of capital murder in state prison are on death row.
- ◆ **5.3%** of black males convicted of capital murder in state prison are on death row.
- ◆ Two death row inmates are white females; one is a black female; one other death row inmate is a female of another ethnic background.
- ◆ The Department of Corrections estimates it costs \$54.80 a day to house death row inmates, or **\$20,002 dollars** a year. [FY 94-95 data.]
- ◆ 367 death row inmates living on death row an average of 10.48 years will cost taxpayers approximately **\$76,713,600**.

## DEATH ROW POPULATION

(at the end of each fiscal year)



## YEARS SPENT ON DEATH ROW BEFORE EXECUTION



**FLORIDA EXECUTIONS / YEARS ON DEATH ROW**

NAME	RACE/ GENDER	DATE SENTENCED	DATE OF EXECUTION	YEARS ON DEATH ROW
Spenkelink, John	WM	12/20/73	05/25/79	5.43
Sullivan, Robert	WM	11/12/73	11/30/83	10.04
Antone, Anthony	WM	08/27/76	01/26/84	7.10
Goode, Arthur	WM	03/21/77	04/05/84	7.04
Adams, James	BM	03/15/74	05/10/84	10.14
Shriner, Carl	WM	04/29/77	06/20/84	7.34
Washington, David	BM	12/06/76	07/13/84	7.40
Dobbert, Ernest	WM	04/12/74	09/07/84	10.39
Henry, James	BM	06/26/74	09/20/84	10.23
Palmes, Timothy	WM	06/22/77	11/08/84	7.38
Raulerson, James	WM	08/20/75	01/30/85	9.45
Witt, Johnny	WM	02/21/74	03/06/85	11.03
Francios, Marvin	BM	04/24/78	05/29/85	7.09
Thomas, Daniel	BM	04/15/77	04/15/86	8.99
Funchess, David	BM	07/18/75	04/22/86	10.73
Straight, Ronald	WM	08/26/77	05/20/86	8.73
White, Beauford	BM	04/27/78	08/28/87	9.32
Darden, Willie	BM	01/23/74	03/15/88	14.12
Daugherty, Jeff	WM	07/14/80	11/07/88	7.53
Bundy, Theodore	WM	07/31/79	01/24/89	9.48
Adams, Aubrey	WM	01/16/79	05/04/89	10.29
Tafero, Jesse	WM	05/18/76	05/04/90	13.96
Bertolotti, Anthony	BM	04/12/84	07/27/90	6.29
Hamblen, James	WM	09/21/84	09/21/90	6.00
Clark, Raymond	WM	09/26/77	11/19/90	13.14
Harich, Roy	WM	04/09/82	04/24/91	9.04
Francis, Marion	BM	08/22/79	06/25/91	11.78
Martin, Nollie Lee	WM	11/13/78	05/12/92	13.49
Kennedy, Edward	BM	01/12/82	07/21/92	10.52
Henderson, Robert	WM	06/02/82	04/21/93	10.89
Johnson, Larry	WM	01/09/80	05/08/93	13.33
DuRocher, Michael	WM	03/22/91	08/25/93	2.38

NAME	RACE/ GENDER	DATE SENTENCED	DATE OF EXECUTION	YEARS ON DEATH ROW
Stewart, Roy	WM	07/05/79	04/22/94	14.76
Bolander, Bernard	WM	04/25/80	07/18/95	15.21
White, Jerry	BM	05/04/81	12/04/95	13.59
Atkins, Phillip	WM	02/19/82	12/05/95	13.77
Bush, John E.	BM	11/22/82	10/21/96	13.87
Mills, John	BM	01/05/83	12/06/96	13.92
Medina, Pedro	BM	04/11/83	03/25/97	13.95
Stano, Gerald	WM	12/09/83	03/23/98	14.18
Jones, Leo	BM	11/06/81	03/24/98	16.37
Buenoano, Judias	WF	11/26/85	03/30/98	12.34
Remeta, Daniel	OM	06/30/86	03/31/98	11.82

### CAPITAL PUNISHMENT/FLORIDA & TEXAS

YEAR	EXECUTIONS IN FLORIDA	EXECUTIONS IN TEXAS
1979	1	--
1982	0	1
1983	1	0
1984	8	3
1985	3	6
1986	3	10
1987	1	6
1988	2	3
1989	2	4
1990	4	4
1991	2	5
1992	2	12
1993	3	17
1994	1	14
1995	3	19
1996	2	3
1997	1	37
1998*	4	10
<b>TOTAL</b>	<b>43</b>	<b>152</b>

[Sources: Florida Department of Corrections and Texas Department of Criminal Justice] \*As of 06/24/98.

## NATIONAL DEATH ROW STATISTICS

State	# of Inmates on Death Row	# of Inmates Executed Since 1976	# of Inmates Executed in 1997	# of Inmates Executed in 1998
Alabama	163	17	3	1
Arizona	121	11	2	3
Arkansas	39	16	0	4
California	494	4	0	0
Colorado	4	1	1	0
Connecticut	5	0	0	0
Delaware	17	8	0	0
Florida	368	43	1	4
Georgia	119	22	0	0
Idaho	19	1	0	0
Illinois	156	11	2	1
Indiana	45	6	1	1
Kansas	1	0	0	0
Kentucky	29	1	1	0
Louisiana	72	24	1	0
Maryland	17	2	1	0
Mississippi	60	4	0	0
Missouri	87	32	6	3
Montana	6	2	1	0
Nebraska	11	3	1	0
Nevada	92	6	0	0
New Hampshire	0	0	0	0
New Jersey	15	0	0	0
New Mexico	4	0	0	0
New York	0	0	0	0
North Carolina	199	9	0	1
Ohio	180	0	0	0
Oklahoma	127	10	1	1
Oregon	23	2	1	0

State	# of Inmates on Death Row	# of Inmates Executed Since 1976	# of Inmates Executed in 1997	# of Inmates Executed in 1998
Pennsylvania	216	2	0	0
South Carolina	73	14	2	1
South Dakota	1	0	0	0
Tennessee	96	0	0	0
Texas	425	152	37	8
Utah	11	5	0	0
Virginia	43	51	9	5
Washington	19	2	0	0
Wyoming	0	1	0	0
U.S. Govt.	18	0	0	0
U.S. Military	8	0	0	0

### METHODS OF EXECUTION BY STATE

**Alabama** - Electrocution.

**Arizona** - Uses injection for people sentenced after Nov. 15, 1992; if before, injection or lethal gas is used.

**Arkansas** - Uses injection for offenses committed after July 4, 1983; if before, the choice is injection or electrocution.

**California** - Lethal injection and lethal gas.

**Colorado** - Lethal injection.

**Connecticut** - Lethal injection.

**Delaware** - Uses injection for capital crimes committed after June 13, 1986; if before, injection or hanging is used.

**Florida** - Electrocution, lethal injection if electrocution is declared unconstitutional.

**Georgia** - Electrocution.

**Idaho** - Lethal injection and firing squad.

**Illinois** - Lethal injection.

**Indiana** - Lethal injection.

**Kansas** - Lethal injection.

**Kentucky** - Electrocution.

**Louisiana** - Lethal injection.

**Maryland** - Lethal injection for capital offenses committed after March 24, 1994; if before, the choice is injection or gas.

**Mississippi** - Lethal injection for those committed after July 1, 1984; and lethal gas for those convicted before

**Missouri** - Lethal injection or lethal gas.

**Montana** - Lethal injection.

**Nebraska** - Electrocution.

**Nevada** - Lethal injection.

**New Hampshire** - Hanging only if injection cannot be used for medical reasons.

**New Jersey** - Lethal injection.

**New Mexico** - Lethal injection.

**North Carolina** - Lethal injection and lethal gas.

**Ohio** - Lethal injection and electrocution.

**Oklahoma** - Electrocution if injection ever is declared unconstitutional; it will use a firing squad if both injection and electrocution are held unconstitutional.

**Oregon** - Lethal injection.

**Pennsylvania** - Lethal injection.

**South Carolina** - Lethal injection or electrocution.

**South Dakota** - Lethal injection.

**Tennessee** - Electrocution.

**Texas** - Lethal injection.

**Utah** - Lethal injection and firing squad.

**Virginia** - Lethal injection and electrocution.

**Washington** - Lethal injection and hanging.

**Wyoming** - Lethal injection; will use lethal gas if injection ever is declared unconstitutional.

## DEPARTMENT OF CORRECTIONS BUDGET

	FY 96-97	FY-97-98*
<b>TOTAL APPROVED BUDGET:</b>	<b>\$ 1,643,223,982</b>	<b>\$1,628,969,968</b>
<b>Operating Funds EXPENDITURES BY BUDGET ENTITY</b>		
Department Administration	32,633,814	\$36,398,541
Custody and Care	1,156,316,857	\$1,269,754,911
Community Supervision	237,023,235	\$245,107,318
Education and Job Training	24,470,895	\$33,406,360
<b>TOTAL OPERATING FUNDS</b>	<b>1,450,444,801</b>	<b>\$1,584,667,130</b>
<b>Fixed Capital Outlay Funds EXPENDITURES BY PROJECT CLASSIFICATION</b>		
To Provide Additional Capacity Through Expansion and New Construction	56,678,633	\$1,500,000
To Maintain Existing Facilities and Meet Requirements of Regulatory Agencies	12,916,870	\$29,503,090
<b>TOTAL FIXED CAPITAL OUTLAY FUNDS</b>	<b>69,595,503</b>	<b>\$13,299,748</b>
To Maintain Corrections Institution Lease Purchase	-----	\$44,302,838
<b>Local Funds VOLUME OF COLLECTION ACTIVITIES</b>		
Cost of Supervision Fees	22,489,760	\$23,000,000
Restitution and Court-Ordered Payments	41,771,895	\$43,000,000
Subsistence and Transportation Fees	7,747,200	\$8,000,000
<b>INMATE BANKING ACTIVITIES</b>		
Total Deposits	60,810,457	\$61,000,000
Total Disbursements	61,093,887	\$61,000,000
June 30, 1997 Total Assets	4,772,774	\$5,000,000
<b>INMATE WELFARE FUND ACTIVITY</b>		
Merchandise Sales	33,742,776	\$35,000,000
Gross Profits From Sales	9,429,177	\$10,000,000
Inmate Telephone Commissions	15,369,953	\$13,000,000
June 30, 1997 Retained Earnings	21,327,190	\$21,000,000

\* The funds in italics are current year estimates. Final reconciliation does not occur until after June 30 and will be published in the annual report.

## JUVENILE JUSTICE FACTS & FIGURES

In 1995, Florida ranked **second in the nation** in juvenile arrests for **violent crimes**. Demographic experts predict that juvenile arrests for violent crimes will more than **double** by the year **2010**, given population growth projections and trends in juvenile arrests over the past several decades.

Due to lack of bed space, the Department of Juvenile Justice does not have adequate capacity to accommodate the increasing number of juvenile offenders, despite the urgent need to protect society from the violent offenders and to ensure juvenile offenders are properly placed in a suitable program. Some juvenile offenders commit new offenses while on community supervision waiting for placement into a secure commitment program. Although the state has successfully eliminated the shortage of **adult** prison beds, **over 900 sentenced juvenile offenders** are awaiting placement into the various levels of commitment programs.

In Fiscal Year 1996-97, approximately **one out of every thirteen** children in Florida between the ages of **10 and 17** were charged with delinquent acts (criminal offenses). Of the **108,324 juvenile offenders**, 13,065 were charged with violent felony offenses. Over the past five fiscal years, juveniles were charged with committing **\*688 murders or manslaughters**, and **\*1,168 attempted murders**.

During fiscal year 1996-97, the Department of Juvenile Justice (DJJ) took in **173,753 delinquency cases** which consisted of nearly **60,000 felonies** and over **91,000 misdemeanors**. This represents an increase of more than **23%** over the course of the past five fiscal years. Of the 173,753 cases received, **65,429** were **repeat offenses**.

Juvenile offenders released from Level 2 ("**minimum risk**") commitment programs averaged **9.1 prior arrests**, and had already acquired an average of nearly **two prior felony adjudications**. Juvenile offenders released from Level 8 ("**high risk**") commitment programs averaged **22 prior arrests** and had averaged over **6 prior felony adjudications**. By adult standards, the **average** juvenile offender released from a minimum risk program had already acquired enough of a criminal record to potentially secure a **lengthy prison term**. By the time a juvenile offender reached a "high risk" program, they would have, on **average**, acquired enough felony convictions in the adult system to potentially qualify as "**habitual offenders**"<sup>\*\*\*</sup>. Recidivism rates ranged from **55% for Level 2 offenders**, to **67% for Level 8 offenders**<sup>\*\*\*</sup>.

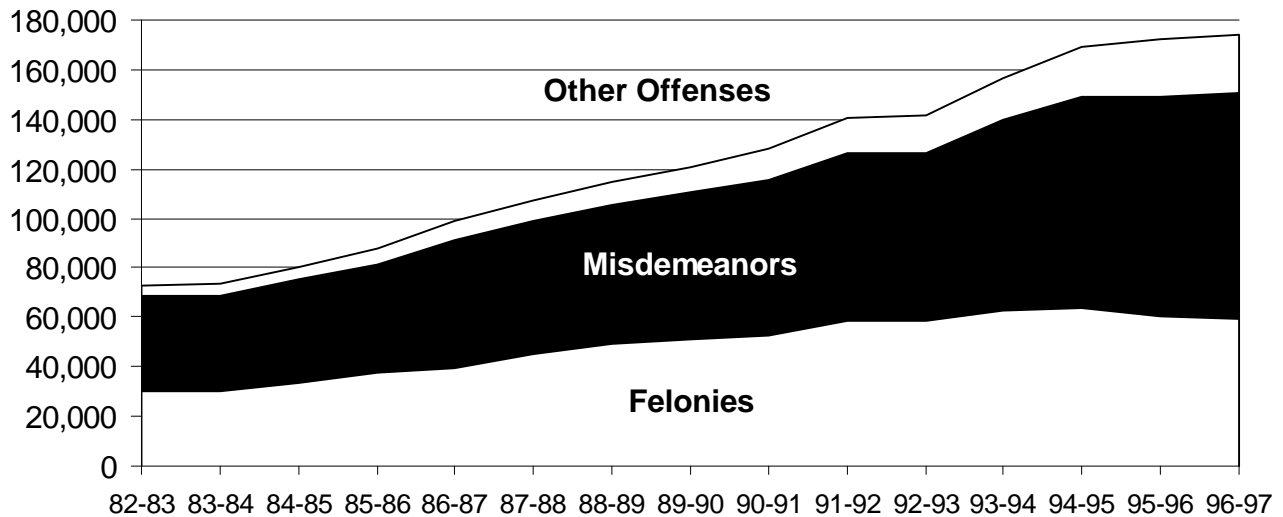
Since fiscal year **1982-83**, delinquency cases have increased by approximately **55%**. Since fiscal year 1992-93, juvenile violent crime has dramatically increased as well. **Aggravated assault and aggravated battery** cases received by the Department of Juvenile Justice have increased **21.9%**. Misdemeanor **assault and battery** cases have increased **56.2%**. **Juvenile drug offenses** have dramatically **increased**, escalating **62.7%** for drug crimes, including the **sale and possession of cocaine**. Cases involving **marijuana possession** have **increased 164.8%**.

<sup>\*</sup> These numbers do not reflect offenses committed by juvenile offenders who were diverted away from DJJ due to prior adjudication as an adult offender.

<sup>\*\*</sup> For a felony to count toward habitual felony offender status, the felony for which the defendant is to be sentenced, and one of the two prior convictions (being used to qualify the offender) must not be a violation of s. 893.13 relating to the purchase or possession of a controlled substance. See s. 775.084 F.S., for other Habitual Felony Offender criteria.

<sup>\*\*\*</sup> These recidivism rates were based on offenders who were subsequently arrested or "referred" to DJJ within one year of release after completing a commitment program. No such measure was done in this year's study by DJJ on Level 10 programs ("most serious risk") because only one such offender had been released from such a program.

## FLORIDA DELINQUENCY CASES RECEIVED FY 1982-83 to 1996-97



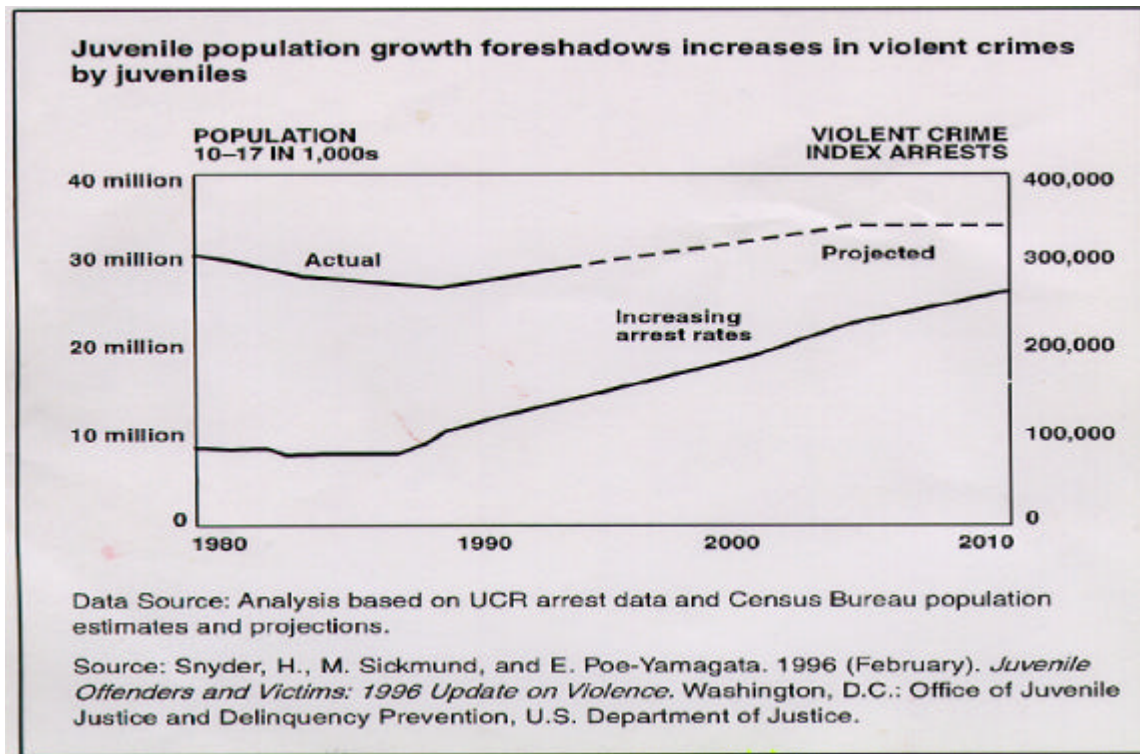
### JUVENILE CRIME INCREASING IN FLORIDA

- ◆ While the population of children in Florida between ages 10 to 17 years increased **12%** over the last five years, the number of juveniles referred for delinquency to the Department of Juvenile Justice rose **30%**.
- ◆ Juvenile **drug offense** referrals have dramatically **increased** since 1992-93, **in all categories**. Felony drug referrals that do **not** include marijuana possession, such as **cocaine possession and sale**, have escalated **62.7%**. Drug referrals for misdemeanor **marijuana possession** have increased by **164.8%**.
- ◆ In FY 96/97, **108,324** youths were charged with delinquency criminal offenses totaling **173,753** cases. Of these cases, **65,429** were repeat offenses.
- ◆ In FY 96/97, **12.1%** of the 108,324 youths charged with delinquency offenses in Florida were charged with **violent felony offenses**.
- ◆ From **FY 92/93 to FY 96/97**, the Department of Juvenile Justice reports the number of delinquency cases received has increased **23.1%**.
- ◆ Between FY 92/93 and FY 96/97, the number of youths charged with **violent offenses** has increased **14.1%**, from **11,401** to **13,065**.

[Source: DJJ - Profile of Delinquency Cases and Youths Referred 1992-93 through 1996-97, Recidivism Report For Commitment Programs 1996-97]



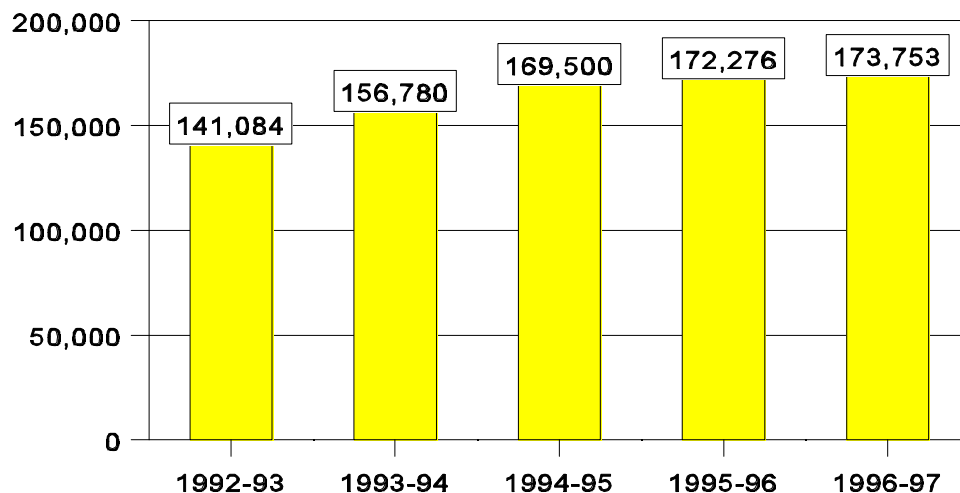
## NATIONAL JUVENILE POPULATION AND ARREST RATE: JUVENILE CRIME TO CONTINUE ESCALATING



[Source:  
Congressional Quarterly Inc. CQ's State Fact Finder 1998 - *Rankings Across America*]

## JUVENILE DELINQUENCY [CRIMINAL] CASES RECEIVED

### FLORIDA



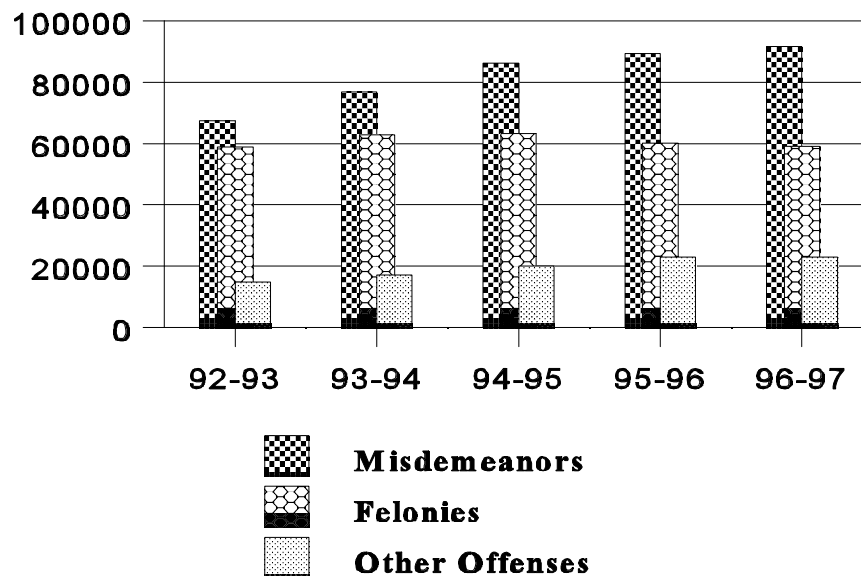
"Delinquency Cases Received" - are cases of criminal law violations received by the Department of Juvenile Justice.

FISCAL YEAR	NUMBER OF JUVENILE CASES	% CHANGE FROM PREVIOUS YEAR
1992-93	141,084	0%
1993-94	156,780	11%
1994-95	169,500	8%
1995-96	172,276	2%
1996-97	173,753	1%

[Source: Florida DJJ - Profile of Delinquency Cases and Youths Referred 1992-93 through 1996-97]

## JUVENILE FELONIES & MISDEMEANORS

### STATEWIDE



**OFFENSE CATEGORY TOTALS:**

	<u>92-93</u>	<u>93-94</u>	<u>94-95</u>	<u>95-96</u>	<u>96-97</u>
Felonies	58,814	62,819	63,225	60,043	59,125
Misdemeanors	67,343	76,780	86,115	89,223	91,651
Other Offenses	<u>14,927</u>	<u>17,181</u>	<u>20,160</u>	<u>23,010</u>	<u>22,977</u>
<b>TOTAL</b>	<b>141,084</b>	<b>156,780</b>	<b>169,500</b>	<b>172,276</b>	<b>173,753</b>

**FELONY JUVENILE DELINQUENCY CASES RECEIVED:**

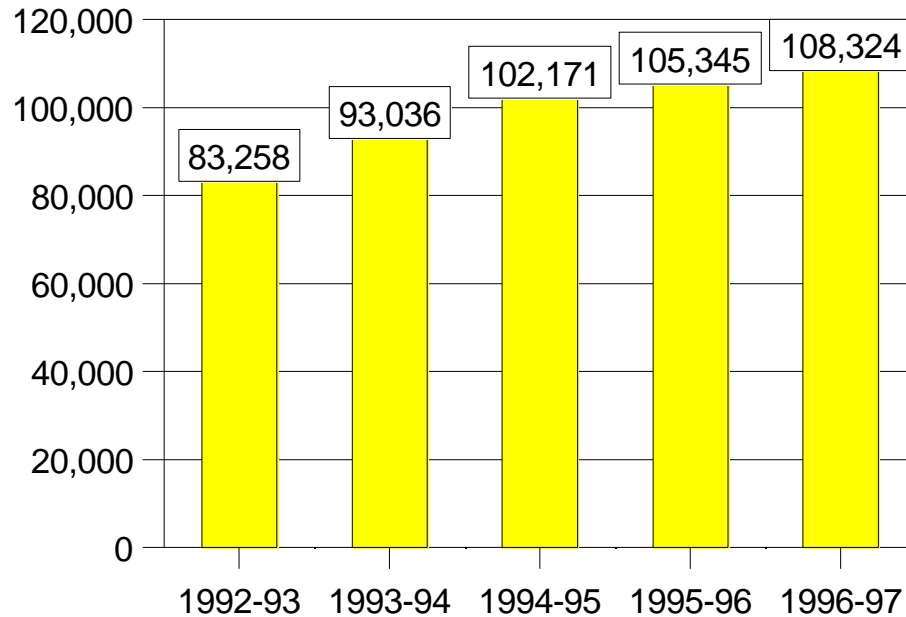
	<u>92-93</u>	<u>93-94</u>	<u>94-95</u>	<u>95-96</u>	<u>96-97</u>
Murder/Manslaughter	162	161	158	106	101
Attempted Murder	274	277	235	203	179
Sexual Battery	985	935	849	837	882
Other Felony Sex Offenses	682	686	646	677	784
Armed Robbery	1,640	1,671	1,655	1,300	1,356
Other Robbery	2,322	2,203	2,493	2,389	2,184
Arson	482	612	633	596	552
Burglary	20,949	21,155	20,633	19,726	18,476
Auto Theft	7,669	,132	6,997	5,610	5,373
Grand Larceny	3,818	4,082	4,364	4,382	4,247
Receiving Stolen Property	545	599	507	414	441
Concealed Firearm	1,222	1,294	1,153	881	673
Aggravated Assault/Battery	7,326	8,048	8,549	8,406	8,936
Forgery	403	403	477	452	483
Felony Non-Marijuana Drug	2,848	3,618	4,200	4,167	4,634
Marijuana Felony	619	930	1,145	1,214	1,272
Escape	1,518	1,888	1,542	1,263	1,028
Resisting Arrest with Violence	431	528	520	574	526
Shoot/Throw Deadly Missile	1,107	1,014	1,080	1,128	1,050
Other Felony	<u>3,812</u>	<u>4,583</u>	<u>5,389</u>	<u>5,718</u>	<u>5,948</u>
<b>TOTAL</b>	<b>58,814</b>	<b>62,819</b>	<b>63,225</b>	<b>60,043</b>	<b>59,125</b>

**MISDEMEANOR DELINQUENCY CASES RECEIVED:**

	<u>92-93</u>	<u>93-94</u>	<u>94-95</u>	<u>95-96</u>	<u>96-97</u>
Assault/Battery	13,791	15,835	17,909	19,589	21,551
Prostitution	79	95	80	76	77
Other Misdemeanor Sex Offenses	153	130	173	139	132
Petty Larceny	5,910	6,363	7,135	6,260	5,451
Shoplifting	19,766	22,183	26,389	26,929	27,166
Receiving Stolen Property	134	149	104	109	97
Concealed Weapon	878	993	857	828	775
Disorderly Conduct	2,228	2,626	2,739	2,851	2,699
Vandalism	4,404	4,842	4,769	4,582	4,585
Trespassing	7,008	7,654	7,876	8,052	7,946
Loitering and Prowling	2,536	2,771	2,814	2,558	2,377
Misdemeanor Non-Marijuana Drug	694	1,137	1,855	2,178	2,334
Marijuana misdemeanor	1,997	3,250	4,110	4,728	5,288
Possession of Alcohol	2,003	2,462	2,248	2,211	2,607
Other Alcohol Offenses	123	113	107	124	119
Violation of Game Laws	185	197	209	183	138
Resisting Arrest w/o Violence	1,788	1,944	2,243	2,519	2,714
Unauthorized Use of Car	24	19	35	43	52
Other Misdemeanor	<u>3,642</u>	<u>4,017</u>	<u>4,463</u>	<u>5,264</u>	<u>5,543</u>
<b>TOTAL</b>	<b>67,343</b>	<b>76,780</b>	<b>86,115</b>	<b>89,223</b>	<b>91,651</b>

## YOUTHS REFERRED FOR DELINQUENCY

### STATEWIDE



*Note: "Arrests" are called "delinquency referrals" for juveniles who are taken into custody for an alleged crime. "Youths Referred for Delinquency" means individual juveniles referred to the Department of Juvenile Justice. The number of youths referred will be lower than the number of cases received because some juveniles are repeat offenders and are arrested for more than one crime in a year.*

FISCAL YEAR	NUMBER OF YOUTHS REFERRED	% CHANGE FROM PREVIOUS YEAR
1992-93	83,258	0%
1993-94	93,036	12%
1994-95	102,171	10%
1995-96	105,345	3%
1996-97	108,324	3%

[Source: Florida DJJ - Profile of Delinquency Cases and Youths Referred 1992-93 through 1996-97]

## OVERALL JUVENILE CRIME RECIDIVISM\*

Restrictiveness Level	Total Released	Subsequent DJJ Referrals		Subsequent Adult Arrests		Subsequent Referrals or Arrests	
		N	%	N	%	N	%
2	1,478	635	43.0	285	19.3	813	55.0
4	1,365	843	61.8	200	14.7	931	68.2
6	3,358	1,836	54.7	784	23.3	2,201	65.5
8	913	448	49.1	375	41.1	614	67.3
<b>Statewide</b>	<b>7,114</b>	<b>3,762</b>	<b>52.9</b>	<b>1,644</b>	<b>23.1</b>	<b>4,559</b>	<b>64.1</b>

Notes: 1. The numbers and percentages for Level 6 and Level 8 include boot camp youth. 2. When a youth had both a subsequent DJJ referral and adult arrest, within one year of release, it was counted in both columns, respectively. 3. When a youth had both a subsequent DJJ referral and adult arrest, within one year of release, those arrests were unduplicated and counted only once in this column. \* Recidivism, for purposes of this table, is determined based on those offenders who, within one year of being released from commitment programs, are subsequently referred back to the DJJ for delinquency or are arrested on adult charges.

- ◆ The Statewide **recidivism rate** for all juvenile justice commitment programs is **64.1%**.
- ◆ The recidivism rate varies from a **low of 55%** for “minimum risk” (Level 2) programs to a **high of 68.2%** for juvenile offenders released from “low risk” (Level 4) commitment programs.
- ◆ In FY 1995-96 the **sharpest increase** in the recidivism rate took place between commitment programs for “**minimum risk**” offenders (Level 2) and “low risk” commitment programs (Level 4). [There are no boot camps operating among Level 2 and Level 4 commitment programs.]
- ◆ Juvenile offenders released from “minimum risk” (Level 2) commitment programs averaged more than **9 prior** delinquency referrals. Juvenile offenders released from “high risk” (Level 8) programs averaged **22 prior** referrals for delinquency.

[Source: DJJ - Recidivism Report For Commitment Programs FY 1996-97]

## JUVENILES PROSECUTED AS ADULTS

- ◆ Last year, there were **4,952 juvenile offenders** transferred to **adult court** for prosecution.
- ◆ In FY 1996-97, **82%** of the youths transferred to adult court for prosecution were between **16 and 17 years old**.
- ◆ **80%** of the **murder** cases and **74%** of the **attempted murder** cases disposed during FY 1996-97 were transferred to adult court.

[Source: DJJ - Profile of Delinquency Cases and Youths Referred FY 1996-97]

## A BRIEF DESCRIPTION OF THE JUVENILE COURT PROCESS (EXCLUDING DIVERSIONARY PROGRAMS & OFFENDERS PROSECUTED AS ADULTS)

A prosecution in juvenile court begins with the filing of a **delinquency petition**. The petition makes the allegations against the juvenile and states the identity and residence of the parents or guardian. Juvenile offenders are entitled to be represented by legal counsel at all stages of any proceeding. The state must provide free legal representation to juvenile offenders who cannot afford to retain legal counsel. Circuit court judges preside over juvenile court proceedings.

At an **arraignment hearing**, the juvenile offender will enter a plea to the charge/s of **guilty, no contest, or not guilty**. For juvenile offenders who are held in either **secure or non-secure detention**, or released to home detention, the arraignment is conducted within **48 hours** of the filing of the petition. If the juvenile enters a plea of not guilty, an adjudicatory hearing (trial) is held. There is no right to a jury trial in juvenile court; the judge determines all issues of fact and law in the case. At the hearing, the juvenile has the right to compel the attendance of witnesses on his or her behalf, to cross-examine state witnesses, and to remain silent. The state must prove the allegations **beyond a reasonable doubt** or the case is dismissed and the child released. If the judge finds the juvenile guilty, or if the offender pleads guilty or no contest to the charge, a **disposition hearing** (sentencing) is held.

Before the disposition hearing, the court reviews a Pre-Disposition Report (PDR), which is prepared by the juvenile probation officer. The PDR includes a summary of the juvenile's crime, a statement by the offender, background information regarding the offender's familial and community environment, a narrative explaining the juvenile's employment or school history, psychological data, restitution information, criminal history, risk assessment, and the recommendations of the Department of Juvenile Justice. The judicial dispositions available in juvenile court include judicial warnings, judicial plans, community control, commitment to a non-residential, non-secure, or secure residential program or facility.

## JUVENILE JUSTICE PROGRAMS: HOW FLORIDA DEALS WITH DELINQUENTS

The range of juvenile justice programs includes prevention programs, intervention programs, community control, a commitment "continuum" which includes **levels 2 through 10**, and aftercare programs.

**Prevention programs** are those programs designed to reduce the number of juvenile offenders who enter the juvenile justice system. The programs are targeted toward behavior which is often a prelude to juvenile delinquency, such as habitual truancy and behavioral problems at home or in school.

**Intervention programs** are community-based, non-residential diversionary programs or services available to juveniles after they have been charged with a criminal-law violation. The focus of intervention programs is public safety, and restitution to the victims and the community.

"Non-judicial" intervention programs divert juveniles away from juvenile court. They consist of community arbitration, civil citations, teen court, and the Juvenile Alternatives Services Program (JASP). The state attorney decides whether a juvenile will be diverted to a non-judicial intervention program. The largest diversion program is JASP.

"Judicial" intervention programs are community supervision programs ordered by the court. These programs consist of Early Delinquency Intervention Programs (EDIP) and community control.

**Commitment Programs/ Levels** - "Commitment" describes the placement of a juvenile into the custody of DJJ. These levels are broken down as follows: Level 2 - minimum-risk non-residential programs, Level 4 - low-risk residential programs, Level 6 - moderate-risk residential programs, Level 8 - high-risk residential programs, and Level 10 maximum-risk residential programs. These levels are described in more detail in the box on the next page.

**Aftercare Programs** - These are programs designed to help juveniles to successfully return to the community after release from a residential commitment program.

### A Note About JASP

The typical practice of DJJ case workers and state attorneys is to send first time misdemeanor offenders to this program. The rationale is that early intervention and swift sanctions on minor law violators will deter future law violations. However, a 1994 report by the Office of the Auditor General took the position that JASP should serve clients who could qualify for community control. This reaches offenders who commit first, second, and third degree felonies, and who have prior records. Currently, there is no specific legislation which describes the type of client to be referred to JASP, nor the specific types of services to be provided by the program.

### COMMITMENT LEVELS DESCRIBED

- Level 2 -** Non-residential programs that serve youths who represent a minimum risk to themselves or the public, and do not require placement in a residential program.
- Level 4 -** Residential programs for youths that are considered a low risk to public safety. They are the least restrictive of the residential programs and consist of short term programs.
- Level 6 -** Residential programs for youths that are considered a moderate risk to themselves and to public safety. These youths require close supervision but do not need placement in facilities that are physically secure.
- Level 8 -** Programs designed for youths who represent a high risk to themselves and to public safety. These youths require close supervision, and placement in a physically-secure facility. As of FY 1995-96, "Serious Habitual Offender Programs" (SHOPS) had their classifications reduced from Level 10 to Level 8.
- Level 10-** Programs designed for youths who are the most serious risk to themselves and to public safety. These youths require close supervision, and placement in a maximum security residential facility. Requires the longest commitment -18 to 36 months.

- ◆ Studies have revealed that the **actual** delinquency careers of serious violent juvenile offenders are quite different from what is officially recorded.
- ◆ On average the first contact with the juvenile court for male crime index offenders was at age 14.5.

Average Age of Onset of Problem Behaviors and Delinquency in Male Juveniles*				
	Minor Problem Behavior	Moderately Serious Problem Behavior	Serious Delinquency	First Court Contact for Index Offenses
Age	7.0	9.5	11.9	14.5

\* Data based on the statements of the oldest sample in the Pittsburgh Youth Study and the statements made by their mothers.

[Source: Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Bulletin: "Serious and Violent Juvenile Offenders."]

## FLORIDA JUVENILE COURT PROCEEDINGS/CIRCUIT COURTS STATEWIDE

### Delinquency Cases

	1990	1991	1992	1993	1994	1995	1996	1997
Complaints filed	124,700	134,763	138,314	141,881	160,723	160,281	163,347	159,422
Petitions filed	64,292	69,828	72,044	74,872	88,523	88,236	91,690	87,350
Petitions disposed	62,883	67,299	66,314	68,230	75,417	81,941	81,449	84,023
Charged as Adults	5,706	5,960	6,028	6,510	6,224	6,572	7,175	6,039

[Source: Summary Reporting System, Office of State Courts Administrator]

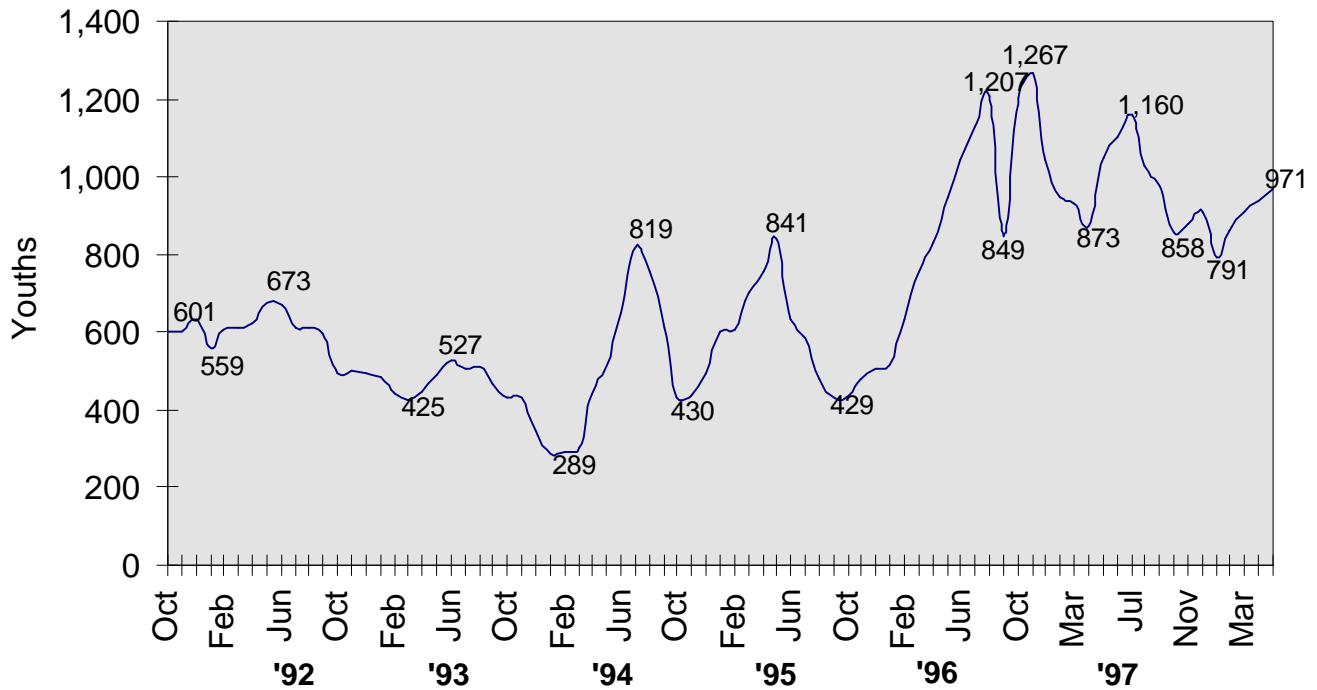
- ◆ Delinquency petitions filed by the state have increased **36%** from 1990-1997.

## JUVENILE DETENTION & THE YOUTH WAITING LIST

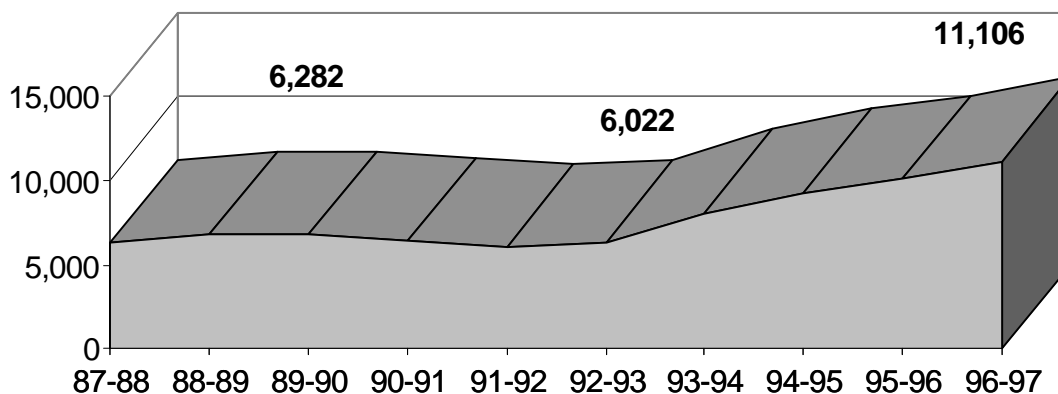
- ◆ Due to waiting lists of youths **entering** commitment, many programs do not have adequate space for youths to be **transferred back** to residential confinement from aftercare.
- ◆ Aftercare programs work best when there is a credible threat that non-compliance will result in residential confinement.
- ◆ A review of DJJ's Detention Population Reports since January 1998 show that on average more than 16 of the 20 detention facilities have been operating at well over 100% capacity, and have not kept pace with arrest trends. [These detention facilities provide for secure placement of certain offenders who are awaiting a detention hearing, court adjudication, disposition or placement in a secure residential commitment program.]
- ◆ The first chart on the next page shows the number of offenders waiting for spaces in the program they were sentenced to. The second chart shows the total number of offenders committed in a given fiscal year to DJJ programs, both residential and non-residential. [Charts provided by the Juvenile Justice Accountability Board.]



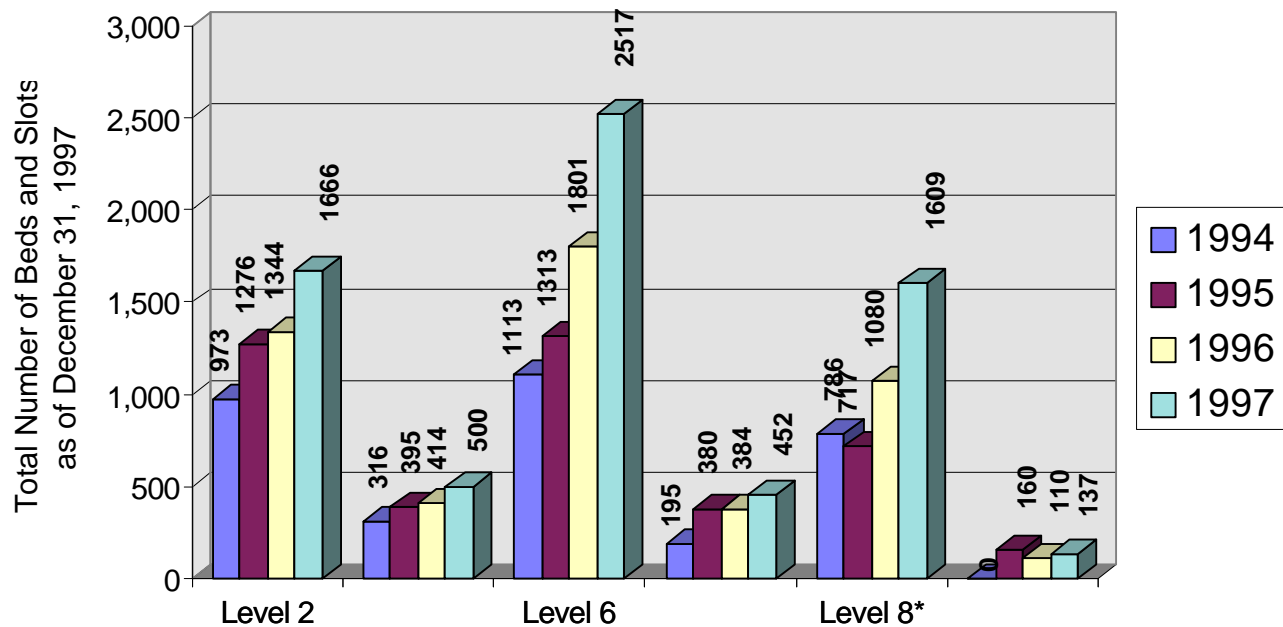
## POPULATION OF SENTENCED JUVENILE OFFENDERS WAITING FOR PLACEMENT IN A RESIDENTIAL COMMITMENT PROGRAM



## JUVENILE OFFENDERS SENTENCED TO COMMITMENT PROGRAMS

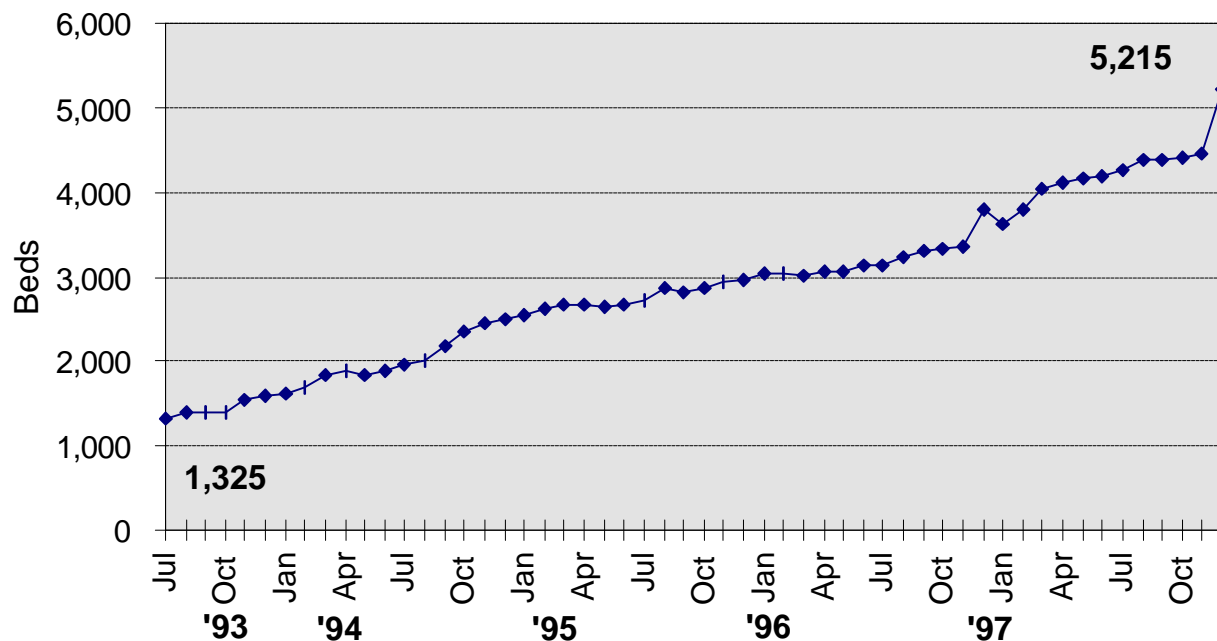


## ANNUAL COMMITMENT PROGRAM CAPACITY TRENDS FOR SENTENCED JUVENILE OFFENDERS



## RESIDENTIAL COMMITMENT PROGRAM OPERATING CAPACITY FOR SENTENCED JUVENILE OFFENDERS

July 1993 to December 1997



## PRIVATE JUVENILE FACILITIES IN FLORIDA

State Contracting Entity	Type of Facility	Number of Beds	Name of Facility	Private Contractor
DJJ	Maximum-Risk Residential Treatment for Juvenile	350	Secure Treatment and Training Center	Correctional Services Corporation, Inc. (formerly ESMOR)
DJJ	Maximum-Risk Residential Treatment for Juvenile	350	Secure Treatment and Training Center (Pahokee)	Correctional Services Corporation, Inc. (formerly ESMOR)

**SUNDAY MIDNIGHT 06/28/98  
JUVENILE DETENTION POPULATION REPORT**

DETENTION CENTER	FIXED CAPACITY	SUNDAY COUNT	UTILIZATION RATE
Alachua	72	52	72%
Bay	52	62	119%
Brevard	52	72	138%
Broward	109	109	100%
Dade	226	246	109%
Duval	144	155	108%
Escambia	50	71	142%
Hillsborough	93	119	128%
Hillsborough - E	50	49	98%
Leon	36	44	122%
Manatee	52	71	137%
Marion	68	78	115%
Orange	151	192	127%
Palm Beach	93	91	98%
Pasco	27	28	104%
Pinellas	120	106	88%
Polk	90	119	132%
S.W. Florida	60	76	127%
Seminole	39	44	113%
St. Lucie	48	71	148%
Volusia	60	87	145%
<b>TOTAL</b>	<b>1,692</b>	<b>1,942</b>	<b>115%</b>

[Source: Department of Juvenile Justice/Office of the Assistant Secretary for Operations]

## CHILDREN AND FAMILIES IN NEED OF SERVICES

Many children in Florida are put “at-risk” by running away from home, refusing to attend school, or by refusing to live peaceably at home. Runaway and habitually-truant children expose themselves to drug activity, street crime, and other harmful situations, and may later engage in crime themselves. Other children may become ungovernable and be “locked-out” of their homes by distraught and frightened parents. Some children may be locked out of their homes by abusive or neglectful parents.

The Florida Department of Law Enforcement received over **50,000** runaway-youth reports in 1995. The Department of Education reported **200,726 out-of-school suspensions** during the 1996-97 academic year.

To help families and children cope with domestic problems, the Florida Legislature created the Children and Families in Need of Services program, now administered by the Department of Juvenile Justice. [CINS/FINS]. **See Chapter 984, Florida Statutes.** A “child in need of services” is defined as an habitual runaway or truant child, or a child who refuses to obey the reasonable and lawful requirements of their parents and is beyond the parents’ control. Such a child cannot be a juvenile offender or dependent or abused child to fit this definition and access the program. A “family in need of services” is a family with the custody of such a child. **Section 984.03, Florida Statutes.**

The CINS/FINS program allows the Department and the courts to attempt to intervene in at-risk children’s lives to prevent future criminal behavior, protect the child, strengthen the family and protect the public. The law authorizes the Department to intervene and assist families with at-risk children, with the assistance and authority of the courts, if necessary. While the courts are not authorized to impose criminal penalties on children in need of services, the courts can order the child or families to undergo counseling and other judicial remedies.

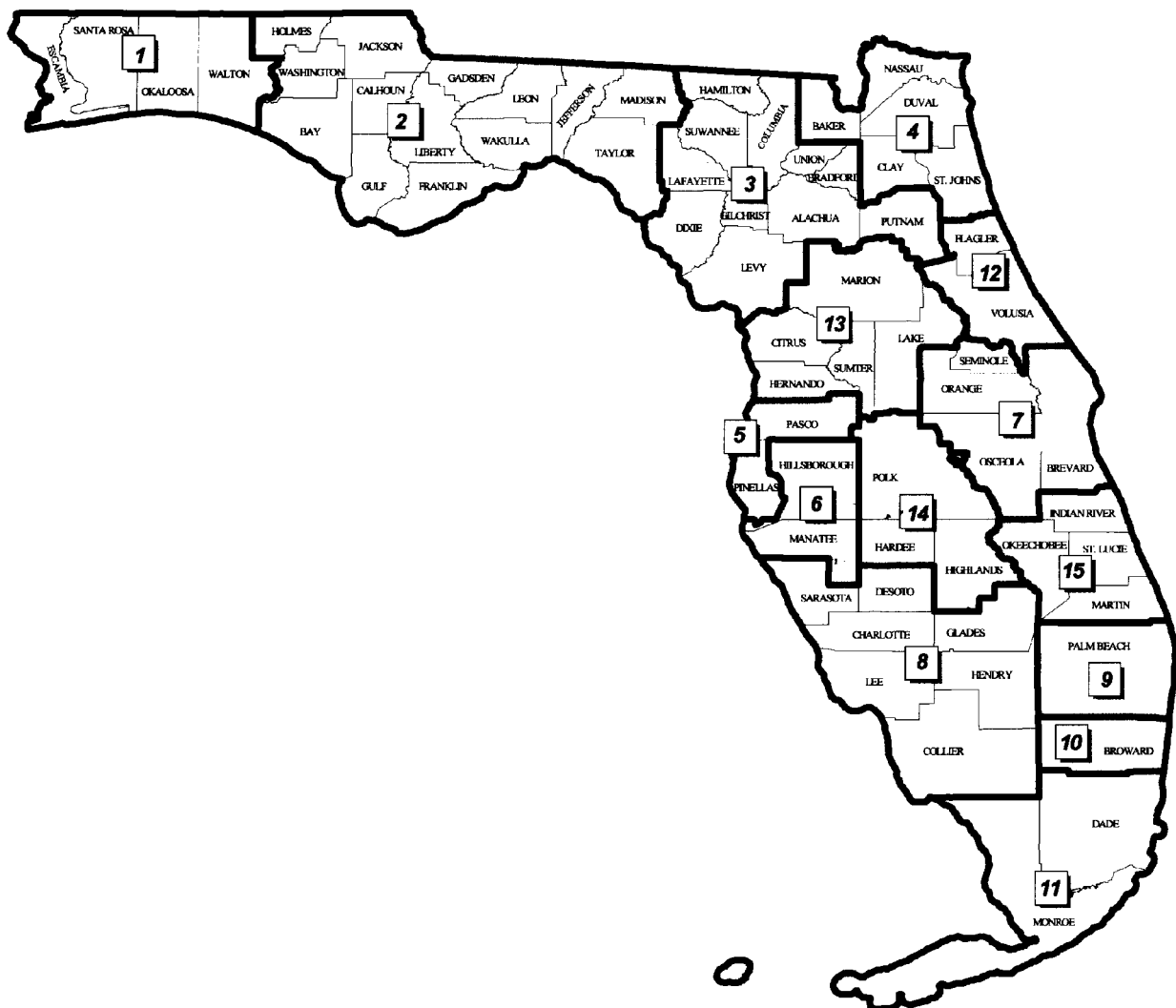
The Legislature refined the Department’s and parents’ roles in pursuing these goals in Chapter 97-281, Laws of Florida, in a bill described by some as the “tough love” bill. This law allows parents to directly obtain court intervention. The legislation also authorizes the courts to withhold a child’s driver’s license, and authorizes a court in one circuit to commit a child who has run away from a “staff-secure shelter” to a physically-secure shelter under certain circumstances. This statutory change also authorizes a court to place a child-in-need-of-services who has been locked out of his or her home into a staff-secure facility for up to 120 days to facilitate family reunification.

This legislation also created a new hot-line for parents of at-risk children, **(1-888-4-1-Family or 1-888-4-132-6459; website: [www.41family.org](http://www.41family.org))** for parents whose child has run away or refuses to attend school. The hotline provides assistance and information to help the parents and the child, and to inform the parents about the CINS/FINS program.

This hotline, and the 1-800-RUNAWAY hotline, are managed by The Florida Network of Youth and Family Services, **[850-922-4324/[www.floridanetwork.org](http://www.floridanetwork.org)]** The Network is a non-profit statewide association of agencies operating the statewide CINS/FINS system of program sites on a 24-hour, seven day a week schedule. The Network operates 26 temporary shelters, and offers counseling, centralized intake and screening, and prevention and outreach services. In fiscal year 1996-97, the Network had 27,138 open cases, including 13,801 youths who received temporary shelter.

The average youth served by the Network shelters was 14.4 years old, stayed 12.6 days and returned home or to an appropriate placement in 75% of all residential cases. In non-residential cases, the average youth served by the shelter received counseling for 85 days, was 13.7 years old, and returned home or to an appropriate placement in 90% of the referred cases. The number of non-residential cases opened by the Network has increased **58%** in the last three years.

# DEPARTMENT OF JUVENILE JUSTICE DISTRICTS

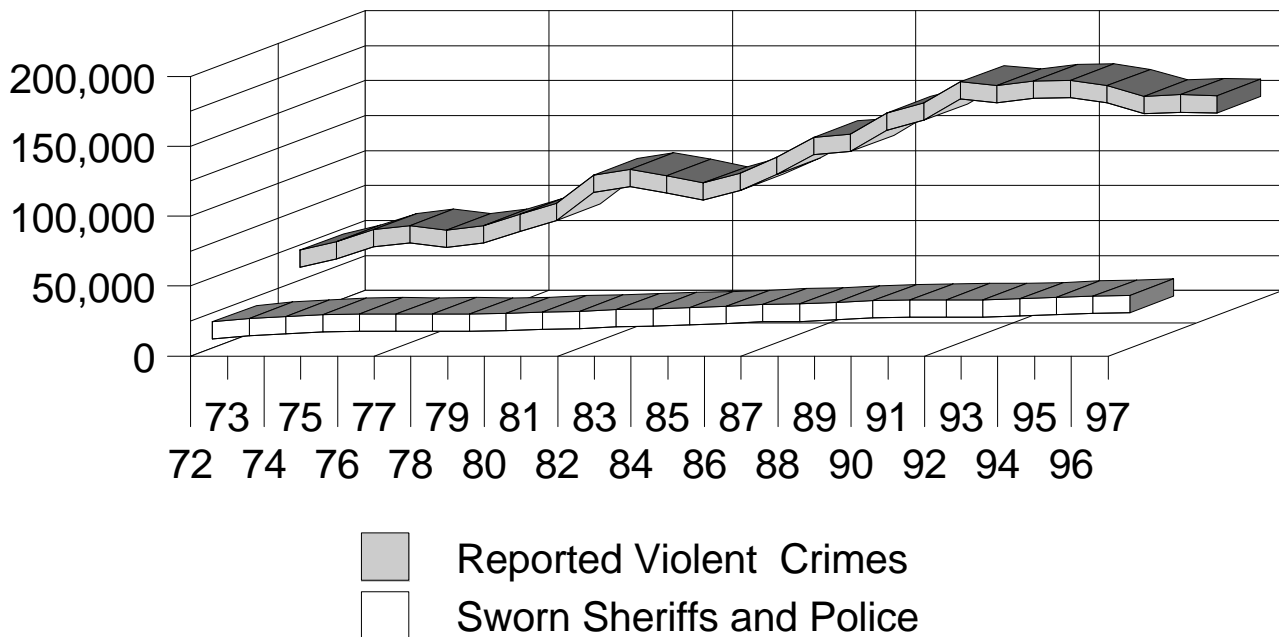


## LAW ENFORCEMENT & PUBLIC SAFETY FACTS & FIGURES

In 1997, every sworn local law enforcement officer in Florida had to deal with **50%** more violent crimes than did his or her counterpart 25 years earlier. Another way of looking at the matter is that in 1996, Florida was **first** in the nation in violent crime, and **twelfth** in the nation in per capita sworn state and local law enforcement officers.

Although the causes and cures for criminal behavior are complex, the visible presence of law enforcement officers clearly has a positive effect on deterring violent crimes. Between 1972 and 1997, while the state's population increased **98%** from 7,441,545 to 14,712,922, reported violent crimes increased **275%** from 40,248 to 150,801. The number of sworn local police officers and sheriff's deputies only increased **152%**, from 12,477 to 31,480 in this same period.

### VIOLENT CRIMES AND SWORN SHERIFFS AND POLICE



[Sources: FDLE, Uniform Crime Reports; *Crime in Florida*; FDLE Bureau of Standards; *Florida Statistical Abstract*; *Census of State and Local Law Enforcement Agencies*, U.S. Bureau of Justice Statistics.]

## FLORIDA - ANNUAL VIOLENT CRIMES PER SWORN OFFICER

YEAR	REPORTED VIOLENT CRIMES	SWORN POLICE OFFICERS AND DEPUTY SHERIFFS	VIOLENT CRIMES PER SWORN OFFICER
1972	40,248	12,477	3.2
1973	46,430	15,045	3.1
1974	54,852	16,258	3.4
1975	57,663	17,585	3.3
1976	54,543	17,981	3.0
1977	57,916	17,790	3.3
1978	65,784	18,038	3.6
1979	73,866	17,833	4.1
1980	94,068	18,308	5.1
1981	98,090	19,499	5.0
1982	93,406	20,080	4.7
1983	88,298	21,068	4.2
1984	95,368	21,738	4.4
1985	106,980	22,439	4.8
1986	120,977	23,453	5.2
1987	123,030	24,856	4.9
1988	138,343	25,134	5.5
1989	145,473	26,314	5.5
1990	160,554	27,481	5.8
1991	158,181	27,963	5.7
1992	161,137	28,235	5.7
1993	161,789	28,291	5.7
1994	157,835	28,961	5.4
1995	150,208	30,041	5.0
1996	151,350	30,729	4.9
1997	150,801	31,480	4.8

# STATE AND LOCAL LAW ENFORCEMENT AGENCIES AND EMPLOYEES BY STATE, JUNE 1996

	Number of Agencies	FULL-TIME EMPLOYEES			
		Total		Sworn Officers	
		Number	Per 10,000 Residents	Number	Per 10,000 Residents
Alabama	432	14,389	34	9,767	23
Alaska	69	1,884	31	1,254	21
Arizona	130	16,828	38	10,088	23
Arkansas	360	7,958	32	5,819	23
California	524	103,967	33	69,134	22
Colorado	247	14,002	37	9,896	26
Connecticut	129	10,319	32	8,525	26
Deleware	45	2,134	29	1,660	23
District of Columbia	3	4,651	86	3,909	72
Florida	385	60,808	42	37,395	26
Georgia	581	28,204	38	19,115	26
Hawaii	7	3,745	32	2,989	25
Idaho	124	3,674	31	2,524	21
Illinois	963	50,255	42	38,192	32
Indiana	547	16,378	28	10,931	19
Iowa	426	6,799	24	5,043	18
Kansas	369	8,736	34	6,183	24
Kentucky	391	8,544	22	6,466	17
Louisiana	365	19,817	46	16,125	37
Maine	141	3,534	28	2,318	19
Maryland	147	18,382	36	13,828	27
Massachusetts	390	24,434	40	17,935	29
Michigan	588	27,490	29	20,568	21
Minnesota	486	11,317	24	7,994	17
Mississippi	317	8,583	32	5,813	21
Missouri	647	17,889	33	12,998	24
Montana	129	2,541	29	1,682	19
Nebraska	266	4,529	27	3,297	20
Nevada	58	6,231	39	4,363	27
New Hampshire	233	2,957	25	2,305	20
New Jersey	554	34,940	44	28,058	35
New Mexico	140	6,182	36	4,134	24
New York	598	88,348	49	71,221	39
North Carolina	503	23,263	32	16,953	23
North Dakota	142	1,537	24	1,141	18
Ohio	938	32,719	29	23,811	21
Oklahoma	459	10,491	32	7,232	22
Oregon	184	8,933	28	6,064	19
Pennsylvania	1,298	29,506	24	24,873	21
Rhode Island	51	3,098	31	2,422	24
South Carolina	264	11,494	31	8,675	23
South Dakota	191	2,360	32	1,464	20
Tennessee	374	18,746	35	12,152	23
Texas	1,861	73,112	38	47,767	25
Utah	138	5,052	25	3,699	18
Vermont	69	1,336	23	981	17
Virginia	330	23,108	35	18,448	28
Washington	277	14,061	25	9,292	17
West Virginia	250	4,074	22	2,977	16
Wisconsin	567	16,490	32	12,678	25
Wyoming	82	2,149	45	1,377	29
<b>U.S. TOTAL</b>	<b>18,769</b>	<b>921,728</b>	<b>35</b>	<b>663,535</b>	<b>25</b>



The following charts provide information regarding the number of officers per county resident, the civil service and union status of certified law-enforcement officers, the minimum average salary of each agency's officers, law enforcement and detention expenditures, and forfeiture collections.

**NUMBER OF CERTIFIED LAW ENFORCEMENT OFFICERS  
PER COUNTY RESIDENT, AND CAREER/CIVIL SERVICE STATUS**

County	Population (4/1/97)	Certified Officers	Civil Service Protection	Residents per Officer
Alachua	202,140	568	YES	355:1
Baker	20,709	15	NO	1,380:1
Bay	142,159	331	YES	429:1
Bradford	24,983	41	NO	609:1
Brevard	450,164	901	YES	499:1
Broward	1,392,252	3,351	YES	415:1
Calhoun	12,504	17	NO	735:1
Charlotte	129,468	208	YES	622:1
Citrus	107,889	110	NO	980:1
Clay	125,431	204	NO	614:1
Collier	193,036	341	NO	566:1
Columbia	52,565	82	NO	641:1
Dade	2,043,316	5,758	YES*	354:1
DeSoto	26,716	43	NO	621:1
Dixie	12,602	16	NO	787:1
Duval	728,437	1,600	YES*	455:1
Escambia	286,301	524	YES*	546:1
Flagler	39,052	71	YES	550:1
Franklin	10,378	32	NO	324:1
Gadsden	46,322	86	NO	538:1
Gilchrist	12,150	16	NO	559:1
Glades	9,413	17	NO	553:1
Gulf	13,545	32	NO	423:1
Hamilton	13,431	13	NO	1,033:1
Hardee	22,519	44	NO	511:1
Hendry	30,157	54	NO	558:1
Hernando	119,931	177	NO	677:1
Highlands	77,996	122	NO	639:1

County	Population (4/1/97)	Certified Officers	Civil Service Protection	Residents per Officer
Hillsborough	910,855	2,097	YES*	434:1
Holmes	17,412	7	NO	2,487:1
Indian River	102,211	223	YES	258:1
Jackson	48,629	56	NO	868:1
Jefferson	13,713	17	NO	806:1
Lafayette	7,012	3	NO	2,337:1
Lake	182,309	351	YES	519:1
Lee	383,706	667	YES	575:1
Leon	221,621	568	YES	390:1
Levy	30,690	66	NO	465:1
Liberty	7,439	6	NO	1,239:1
Madison	18,745	27	YES	694:1
Manatee	236,778	418	YES	566:1
Marion	229,260	342	NO	670:1
Martin	114,464	258	YES	443:1
Monroe	83,789	257	YES	326:1
Nassau	51,097	83	NO	615:1
Okaloosa	165,319	281	YES	588:1
Okeechobee	33,643	57	NO	590:1
Orange	777,556	1,983	YES	392:1
Osceola	139,724	295	YES	473:1
Palm Beach	981,793	2,431	YES	403:1
Pasco	309,936	388	YES	798:1
Pinellas	881,383	1,941	YES	454:1
Polk	452,707	956	YES	473:1
Putnam	70,287	114	NO	616:1
Santa Rosa	98,491	114	YES*	863:1
Sarasota	305,848	536	YES	570:1
Seminole	329,031	619	YES	531:1
St. Johns	101,729	188	YES	541:1
St. Lucie	175,458	376	YES	466:1
Sumter	40,593	55	NO	738:1
Suwannee	31,424	40	NO	785:1

County	Population (4/1/97)	Certified Officers	Civil Service Protection	Residents per Officer
Taylor	19,022	31	NO	613:1
Union	13,023	5	NO	2,624:1
Volusia	407,199	985	YES*	413:1
Wakulla	18,022	16	NO	1,126:1
Walton	34,328	52	NO	660:1
Washington	19,751	24	NO	822:1

\* Special act provides county-wide coverage.

+ Number of certified officers in Leon County excludes those employed by state agencies.

### UNION STATUS AND MINIMUM SALARY BY AGENCY

("PBA" - Police Benevolent Association & "FOP" - Fraternal Order of Police)

County	Law Enforcement Agency	# of Certified LEOs	Collective Bargaining Representative	# in Union	% in Union	Annual Minimum Salary
Alachua	Alachua County Sheriff's Office	211	PBA	100	47%	\$22,417
	Alachua Police Dept.	14	PBA	15	100%	\$18,200
	Gainesville Police Dept.	250	PBA	166	66%	\$22,263
	High Springs Police Dept.	12	PBA	17	100%	\$19,000
	Waldo Police Dept.	7	PBA	0	0%	\$18,000
Baker	Baker County Sheriff's Office	15				\$21,000
Bay	Bay County Sheriff's Office	141				\$18,139
	Cedar Grove Police Dept.	7	PBA	4	57%	\$15,288
	Lynn Haven Police Dept.	25				\$18,325
	Mexico Beach Police Dept.	5				\$19,510
	Panama City Beach Police Dept.	42				\$18,200
	Panama City Police Dept.	89				\$20,020
	Parker Police Dept.	7				\$16,952
	Springfield Police Dept.	14				\$18,345
Bradford	Bradford County Sheriff's Office	15				\$20,000
	Hampton Police Dept.	2				\$13,800
	Lawtey Police Dept.	5				\$17,243
	Starke Police Dept.	18	PBA	23	100%	\$18,232
Brevard	Brevard County Sheriff's Office	330	PBA	139	42%	\$22,297
	Cocoa Beach Police Dept.	35	TEAMSTERS	38	100%	\$22,120
	Cocoa Police Dept.	68				\$23,814

County	Law Enforcement Agency	# of Certified LEOs	Collective Bargaining Representative	# in Union	% in Union	Annual Minimum Salary
	Indianalantic Police Dept.	8	PBA	7	87%	\$20,000
	Indian Harbour Beach Police Dept.	16	PBA	13	81%	\$24,703
	Melbourne Beach Police Dept.	9				\$21,980
	Melbourne Police Dept.	150	PBA	75	50%	\$26,071
	Melbourne Village Police Dept.	3				\$20,600
	Palm Bay Police Dept.	114	FOP	106	89%	\$24,827
	Rockledge Police Dept.	38	FOP	33	87%	\$23,700
	Satellite Beach Police Dept.	18	PBA	7	39%	\$24,500
	Titusville Police Dept.	78	PBA	4	5%	\$23,525
	West Melbourne Police Dept.	23	FOP	13	57%	\$23,380
Broward	Broward County Sheriff's Office	750	PBA	864	100%	\$30,628
	Coconut Creek Public Safety Dept.	64	PBA	55	86%	\$31,558
	Cooper City Police Dept.	47	FOP	21	45%	\$32,948
	Coral Springs Police Dept.	159	FOP	130	82%	\$36,475
	Dania Police Dept.	50	PBA	36	72%	\$30,628
	Davie Police Dept.	118	FOP	93	74%	\$33,676
	Fort Lauderdale Police Dept.	488	FOP	409	84%	\$32,801
	Hallandale Police Dept.	83	PBA	52	63%	\$31,280
	Hillsboro Beach Police Dept.	13				\$33,548
	Hollywood Police Dept.	307	PBA	285	93%	\$33,076
	Lauderdale-by-the-Sea Police Dept.	16	TEAMSTERS	14	87%	\$28,800
	Lauderhill Police Dept.	86	PBA	69	83%	\$30,000
	Lighthouse Point Police Dept.	30	PBA	20	67%	\$30,126
	Margate Police Dept.	102	PBA	48	47%	\$23,934
	Miramar Police Dept.	113	PBA	72	64%	\$32,500
	N. Lauderdale Public Safety Dept.	52	PBA	11	21%	\$33,364
	Oakland Park Public Safety Dept.	79	PBA	70	89%	\$32,261
	Parkland Public Safety Dept.	22	FOP	20	91%	\$28,500
	Pembroke Pines Police Dept.	189	PBA	133	70%	\$33,113
	Plantation Police Dept.	168	FOP	84	50%	\$34,100
	Pompano Beach Police Dept.	235	PBA	108	46%	\$33,275
	Sea Ranch Lakes Police Dept.	8				\$26,500
	Seminole Tribe Police Dept.	52				

County	Law Enforcement Agency	# of Certified LEOs	Collective Bargaining Representative	# in Union	% in Union	Annual Minimum Salary
	Sunrise Police Dept.	138	PBA	92	68%	\$33,572
	Wilton Manors Police Dept.	29	PBA	32	100%	\$32,385
Calhoun	Altha Police Dept.	1				\$23,262
	Blountstown Police Dept.	7				\$19,000
	Calhoun County Sheriff's Office	10				\$16,500
Charlotte	Charlotte County Sheriff's Office	182				\$21,080
	Punta Gorda Police Dept.	26				\$24,608
Citrus	Citrus County Sheriff's Office	85				\$23,176
	Crystal River Police Dept.	20	PBA	14	70%	\$20,369
	Inverness Police Dept.	11	PBA	11	100%	\$18,332
Clay	Clay County Sheriff's Office	176				\$23,764
	Green Cove Springs Police Dept.	16	FOP	16	100%	\$20,400
	Orange Park Police Dept.	21	PBA	22	100%	\$28,697
Collier	Collier County Sheriff's Office	279				\$26,879
	Naples Police Dept.	79	FOP	45	57%	\$27,009
Columbia	Columbia County Sheriff's Office	48				\$20,000
	Lake City Police Dept.	34				\$21,200
Dade	Aventura Police Dept.	43				\$32,500
	Bal Harbour Village Police Dept.	19	PBA	18	95%	\$37,573
	Bay Harbor Island Police Dept.	24	PBA	19	79%	\$28,000
	Biscayne Park Police Dept.	7	PBA	5	71%	\$25,000
	Coral Gables Police Dept.	154	FOP	116	75%	\$37,000
	El Portal Police Dept.	7	PBA	5	91%	\$20,000
	Florida City Police Dept.	20	PBA	16	80%	\$26,175
	Golden Beach Police Dept.	18	PBA	9	50%	\$26,520
	Hialeah Gardens Police Dept.	30	PBA	22	73%	\$26,650
	Hialeah Police Dept.	323	PBA	290	90%	\$29,388
	Homestead Police Dept.	71	PBA	48	68%	\$29,578
	Indian Creek Village Police Dept.	12	FOP	10	83%	\$26,600
	Key Biscayne Police Dept.	26				\$32,726
	Medley Police Dept.	35	PBA	18	51%	\$38,000
	Metro-Dade Police Dept.	2976	PBA	1984	67%	\$26,702
	Miami Beach Police Dept.	351	FOP	207	60%	\$28,300

County	Law Enforcement Agency	# of Certified LEOs	Collective Bargaining Representative	# in Union	% in Union	Annual Minimum Salary
	Miami Police Dept.	1006	FOP	700	70%	\$29,111
	Miami Shores Police Dept.	34	PBA	27	79%	\$33,405
	Miami Springs Police Dept.	40	PBA	31	78%	\$33,706
	Miccosukee Police Dept.	16				\$26,000
	North Bay Village Police Dept.	21	PBA	19	90%	\$32,364
	North Miami Beach Police Dept.	94	PBA	68	72%	\$30,114
	North Miami Police Dept.	111	PBA	97	87%	\$29,972
	Opa Locka Police Dept.	41				\$27,105
	South Miami Police Dept.	49	PBA	23	47%	\$32,117
	Surfside Police Dept.	21	PBA	21	94%	\$32,250
	Sweetwater Police Dept.	23	PBA	13	57%	\$26,679
	Village of Pinecrest Police Dept.	31				\$37,000
	Virginia Gardens Police Dept.	6	PBA	7	100%	\$32,374
	West Miami Police Dept.	11	PBA	11	100%	\$28,195
DeSoto	Arcadia Police Dept.	22	FOP	5	24%	\$19,754
	DeSoto County Sheriff's Office	20				\$20,482
Dixie	Cross City Police Dept.	5				\$16,500
	Dixie County Sheriff's Office	12				\$16,480
Duval	Atlantic Beach Public Safety Dept.	14	FOP	14	73%	\$24,315
	Baldwin Police Dept.	6				\$12,480
	Jacksonville Beach Police Dept.	52	FOP	44	85%	\$25,812
	Jacksonville Sheriff's Office	1447	PBA	886	61%	\$29,340
	Neptune Beach Police Dept.	17	FOP	11	65%	\$23,000
Escambia	Escambia County Sheriff's Office	322	FOP	281	87%	\$20,793
	Pensacola Police Dept.	162				\$20,904
Flagler	Bunnell Police Dept.	8	PBA	7	87%	\$19,500
	Flagler Beach Police Dept.	10	PBA	12	100%	\$21,465
	Flagler County Sheriff's Office	55				\$19,575
Franklin	Apalachicola Police Dept.	7				\$16,500
	Carrabelle Police Dept.	3				\$17,800
	Franklin County Sheriff's Office	18				\$18,000
Gadsden	Chattahoochee Police Dept.	8				\$18,000
	Gadsden County Sheriff's Office	22				\$18,000

County	Law Enforcement Agency	# of Certified LEOs	Collective Bargaining Representative	# in Union	% in Union	Annual Minimum Salary
	Greensboro Police Dept.	1				\$18,600
	Gretna Police Dept.	6				\$18,000
	Havana Police Dept.	4	PBA	6	100%	\$18,500
	Midway Police Dept.	4				\$18,000
	Quincy Public Safety Dept.	40	PBA	34	85%	\$23,459
Gilchrist	Gilchrist County Sheriff's Office	14				\$17,500
	Trenton Police Dept.	3				\$15,000
Glades	Glades County Sheriff's Office	17				\$20,424
Gulf	Gulf County Sheriff's Office	18				\$18,000
	Port St. Joe Police Dept.	12				\$19,000
Hamilton	Hamilton County Sheriff's Office	4				\$18,000
	Jasper Police Dept.	5				\$18,500
	Jennings Police Dept.	0				
	White Springs Police Dept.	1				\$16,000
Hardee	Bowling Green Police Dept.	6				\$17,014
	Hardee County Sheriff's Office	22				\$21,500
	Wauchula Police Dept.	11	PBA	11	100%	\$18,500
	Zolfo Springs Police Dept.	4				\$18,300
Hendry	Clewiston Police Dept.	13				\$21,374
	Hendry County Sheriff's Office	35				\$21,500
Hernando	Brooksville Police Dept.	19	PBA			\$17,500
	Hernando County Sheriff's Office	163				\$22,932
Highlands	Avon Park Police Dept.	21	PBA	16	76%	\$19,978
	Highlands County Sheriff's Office	71				\$23,388
	Lake Placid Police Dept.	5				\$17,000
	Sebring Police Dept.	26				\$24,500
Hillsborough	Hillsborough County Sheriff's Office	953				\$31,165
	Plant City Police Dept.	62				\$24,190
	Tampa Police Dept.	918	PBA	595	65%	\$31,325
	Temple Terrace Police Dept.	47	FOP	43	91%	\$28,413
Holmes	Bonifay Police Dept.	6				\$14,000
	Holmes County Sheriff's Office	4				\$18,000
Indian River	Fellsmere Police Dept.	7				\$21,000

County	Law Enforcement Agency	# of Certified LEOs	Collective Bargaining Representative	# in Union	% in Union	Annual Minimum Salary
	Indian River County Sheriff's Office	116				\$22,655
	Indian River Shores Public Safety	17				\$24,444
	Sebastian Police Dept.	23	FOP/PBA	19	83%	\$24,793
	Vero Beach Police Dept.	61	PBA	52	85%	\$25,916
Jackson	Cottontdale Police Dept.	2				
	Graceville Police Dept.	6	PBA	4	67%	\$15,500
	Jackson County Sheriff's Office	30				\$18,913
	Marianna Police Dept.	17				\$18,198
	Sneads Police Dept.	2				\$17,500
Jefferson	Jefferson County Sheriff's Office	10				\$19,000
	Monticello Police Dept.	6	FOP	9	100%	\$20,000
Lafayette	Lafayette County Sheriff's Office	3				\$19,000
Lake	Astatula Police Dept.	3				\$18,500
	Clermont Police Dept.	19	PBA	9	47%	\$20,072
	Eustis Police Dept.	37				\$22,601
	Fruitland Park Police Dept.	8				\$20,726
	Groveland Police Dept.	8				\$19,280
	Howey-in-the-Hills Police Dept.	4				\$19,300
	Lady Lake Police Dept.	23	FOP	10	43%	\$22,152
	Lake County Sheriff's Office	143				\$23,050
	Leesburg Police Dept.	55				\$23,400
	Mascotte Police Dept.	6				\$21,216
	Mount Dora Police Dept.	28	PBA	17	63%	\$20,311
	Tavares Police Dept.	21				\$21,496
	Umatilla Police Dept.	8				\$18,750
Lee	Cape Coral Police Dept.	127	FOP	66	52%	\$26,208
	Fort Myers Police Dept.	156	PBA	97	62%	\$27,950
	Lee County Sheriff's Office	312				\$23,400
	Sanibel Police Dept.	24	FOP	18	75%	\$32,218
Leon	Leon County Sheriff's Office	163				\$25,000
	Tallahassee Police Dept.	322	PBA	109	34%	\$27,643
Levy	Cedar Key Police Dept.	3				\$18,000
	Chiefland Police Dept.	11	PBA	5	45%	\$17,000



County	Law Enforcement Agency	# of Certified LEOs	Collective Bargaining Representative	# in Union	% in Union	Annual Minimum Salary
	Inglis Police Dept.	2				\$17,000
	Levy County Sheriff's Office	38				\$18,870
	Williston Police Dept.	11	PBA	8	73%	\$16,700
Liberty	Liberty County Sheriff's Office	6				\$17,500
Madison	Greenville Police Dept.	2				\$18,500
	Lee Police Dept.	1				\$16,000
	Madison County Sheriff's Office	17				\$21,385
	Madison Police Dept.	11				\$19,038
Manatee	Bradenton Beach Police Dept.	8				\$20,259
	Bradenton Police Dept.	96	PBA	80	83%	\$20,510
	Holmes Beach Police Dept.	11				\$22,541
	Longboat Key Police Dept.	20				\$30,000
	Manatee County Sheriff's Office	263				\$20,101
	Palmetto Police Dept.	27				\$20,500
Marion	Bellevue Police Dept.	14	FOP	10	71%	\$20,987
	Dunnellon Police Dept.	8	PBA	7	88%	\$18,326
	Marion County Sheriff's Office	173				\$22,235
	Ocala Police Dept.	143	FOP	78	55%	\$22,093
Martin	Jupiter Island Police Dept.	14				\$24,861
	Martin County Sheriff's Office	185				\$24,222
	Sewalls Point Police Dept.	9				\$25,452
	Stuart Police Dept.	41	FOP	39	95%	\$24,960
Monroe	Key Colony Beach Police Dept.	4				\$27,500
	Key West Police Dept.	79	PBA	35	44%	\$28,500
	Monroe County Sheriff's Office	166				\$26,500
Nassau	Fernandina Beach Police Dept.	29	PBA	19	66%	\$24,578
	Nassau County Sheriff's Office	51				\$23,000
Okaloosa	Crestview Police Dept.	29				\$17,852
	Fort Walton Beach Police Depart.	53				\$21,426
	Mary Ester Public Safety	5				\$18,400
	Niceville Police Dept.	17	PBA	21	100%	\$16,952
	Okaloosa County Sheriff's Office	170				\$19,700
	Shalimar Police Dept.	4				\$18,000

County	Law Enforcement Agency	# of Certified LEOs	Collective Bargaining Representative	# in Union	% in Union	Annual Minimum Salary
	Valparaiso Police Dept.	10				\$16,931
Okeechobee	Okeechobee County Sheriff's Office	37				\$23,684
	Okeechobee Police Dept.	37				\$25,000
Orange	Apopka Police Dept.	60				\$23,963
	Eatonville Police Dept.	9				\$22,000
	Edgewood Police Dept.	12	PBA	13	100%	\$22,500
	Maitland Police Dept.	34				\$23,633
	Oakland Police Dept.	5				\$19,500
	Ocoee Police Dept.	43	PBA	28	65%	\$23,287
	Orange County Sheriff's Office	1068				\$25,334
	Orlando Police Dept.	616	FOP/PBA	498	81%	\$28,200
	Windermere Police Dept.	9				\$18,000
	Winter Garden Police Dept.	34				\$23,000
	Winter Park Police Dept.	75				\$25,337
Osceola	Kissimmee Police Dept.	87	TEAMSTERS	69	79%	\$25,582
	Osceola County Sheriff's Office	175				\$24,808
	St. Cloud Police Dept.	38				\$24,863
Palm Beach	Atlantis Police Dept.	11				\$29,806
	Belle Glade Police Dept.	35				\$24,476
	Boca Raton Police Dept.	141	FOP	119	84%	\$32,240
	Boynton Beach Police Dept.	132	PBA	102	77%	\$30,500
	Delray Beach Police Dept.	154	PBA	64	42%	\$27,487
	Greenacres Public Safety	43				\$29,881
	Gulf Stream Police Dept.	10	FOP	8	80%	\$29,500
	Highland Beach Police Dept.	11				\$28,728
	Juno Beach Police Dept.	13				\$28,782
	Jupiter Inlet Colony Police Dept.	5				\$24,500
	Jupiter Police Dept.	78	PBA	20	26%	\$29,796
	Lake Clarke Shores Police Dept.	10				\$26,780
	Lake Park Police Dept.	29	PBA	66	100%	\$25,961
	Lake Worth Police Dept.	95	PBA	51	54%	\$27,480
	Lantana Police Dept.	24				\$27,833
	Manalapan Police Dept.	9				\$35,000

County	Law Enforcement Agency	# of Certified LEOs	Collective Bargaining Representative	# in Union	% in Union	Annual Minimum Salary
	Magnolia Park Public Safety Dept.	14	PBA	14	100%	\$27,040
	North Palm Beach Public Safety	34	PBA	27	79%	\$28,165
	Ocean Ridge Public Safety Dept.	11				\$29,556
	Pahokee Police Dept.	15				\$25,563
	Palm Beach County Sheriff's Office	850				\$28,728
	Palm Beach Gardens Police Dept.	81	PBA	31	38%	\$29,372
	Palm Beach Police Dept.	74				\$30,175
	P. Beach Shores Public Safety Dept.	7	PBA	6	86%	\$28,000
	Palm Springs Public Safety Dept.	27	PBA	12	44%	\$27,387
	Riviera Beach Police Dept.	97	PBA	73	75%	\$25,277
	Royal Palm Beach Police Dept.	38	FOP	15	39%	\$26,500
	South Bay Police Dept.	10				\$22,651
	S. Palm Beach Public Safety Dept.	10				\$26,059
	Tequesta Police Dept.	16	PBA	25	100%	\$28,930
	West Palm Beach Police Dept.	237	PBA	125	53%	\$29,648
Pasco	Dade City Police Dept.	23				\$20,369
	New Port Richey Police Dept.	32	PBA	25	78%	\$24,613
	Pasco County Sheriff's Office	298				\$25,017
	Port Richey Police Dept.	8	PBA			\$23,816
	Zephyrhills Police Dept.	25	PBA			\$23,043
Pinellas	Belleair Beach Police Dept.	7	PBA	3	43%	\$25,159
	Belleair Police Dept.	10	PBA	8	80%	\$23,618
	Clearwater Police Dept.	252	FOP	180	71%	\$26,988
	Gulfport Police Dept.	29	PBA	18	62%	\$25,438
	Indian Shores Police Dept.	12	PBA	11	92%	\$23,488
	Kenneth City Police Dept.	13	PBA	4	31%	\$26,310
	Largo Police Dept.	121	PBA	43	36%	\$25,729
	Pinellas County Sheriff's Office	761				\$24,833
	Pinellas Park Police Dept.	79	PBA	31	39%	\$26,665
	Redington Beaches Police Dept.	8				\$24,643
	St. Petersburg Beach Police Dept.	29	FOP/PBA	34	100%	\$27,400
	St. Petersburg Police Dept.	515	PBA	468	91%	\$25,824
	Tarpon Springs Police Dept.	43	PBA	18	42%	\$25,200

County	Law Enforcement Agency	# of Certified LEOs	Collective Bargaining Representative	# in Union	% in Union	Annual Minimum Salary
	Treasure Island Police Dept.	20	PBA	13	65%	\$26,832
Polk	Auburndale Police Dept.	30				\$23,763
	Bartow Police Dept.	42	TEAMSTERS	25	60%	\$27,852
	Davenport Police Dept.	7	PBA			\$21,500
	Dundee Police Dept.	10	TEAMSTERS			\$20,080
	Eagle Lake Police Dept.	6		5	83%	\$18,720
	Fort Meade Police Dept.	16	TEAMSTERS	8	50%	\$23,136
	Frostproof Police Dept.	9				\$21,500
	Haines City Police Dept.	38				\$24,259
	Lake Alfred Police Dept.	12				\$21,000
	Lake Hamilton Police Dept.	5				\$22,000
	Lake Wales Police Dept.	45	PBA	29	64%	\$23,565
	Lakeland Police Dept.	225				\$29,286
	Mulberry Police Dept.	9	PBA	12	100%	\$19,289
	Polk County Sheriff's Office	415				\$25,271
	Winter Haven Police Dept.	71				\$24,481
Putnam	Crescent City Police Dept.	7				\$19,220
	Interlachen Police Dept.	3				\$17,992
	Palatka Police Dept.	28				\$19,176
	Putnam County Sheriff's Office	72				\$19,845
	Welaka Police Dept.	1				\$18,600
Santa Rosa	Gulf Breeze Police Dept.	17	FOP	10	59%	\$21,000
	Milton Police Dept.	17	PBA	14	82%	\$20,695
	Santa Rosa County Sheriff's Office	80	NAGW	45	45%	\$21,621
Sarasota	North Port Police Dept.	30	PBA	12	40%	\$18,500
	Sarasota County Sheriff's Office	323				\$22,000
	Sarasota Police Dept.	186	PBA	108	58%	\$25,890
	Venice Police Dept.	46	FOP	28	61%	\$25,962
Seminole	Altamonte Springs Police Dept.	92				\$24,082
	Casselberry Police Dept.	51	PBA	24	47%	\$23,238
	Lake Mary Police Dept.	23				\$22,626
	Longwood Police Dept.	35	PBA	26	74%	\$20,000
	Oviedo Police Dept.	37				\$24,196

County	Law Enforcement Agency	# of Certified LEOs	Collective Bargaining Representative	# in Union	% in Union	Annual Minimum Salary
	Sanford Police Dept.	87				\$24,487
	Seminole County Sheriff's Office	253				\$23,050
	Winter Springs Police Dept.	42				\$23,346
St. Johns	St. Augustine Beach Police Dept.	11				\$19,500
	St. Augustine Police Dept.	46	PBA	46	100%	\$24,168
	St. Johns County Sheriff's Office	121				\$21,200
St. Lucie	Fort Pierce Police Dept.	104	FOP	88	85%	\$26,412
	Port St. Lucie Police Dept.	109	PBA	54	50%	\$24,416
	St. Lucie County Sheriff's Office	155				\$22,234
Sumter	Bushnell Police Dept.	6				\$18,500
	Center Hill Police Dept.	4				\$18,500
	Coleman Police Dept.	2				\$16,207
	Sumter County Sheriff's Office	27				\$20,094
	Webster Police Dept.	3				\$14,560
	Wildwood Police Dept.	11	PBA			\$21,008
Suwannee	Live Oak Police Dept.	11	PBA	11	100%	\$19,178
	Suwannee County Sheriff's Office	25				\$20,000
Taylor	Perry Police Dept.	15				\$19,379
	Taylor County Sheriff's Office	17				\$19,500
Union	Union County Sheriff's Office	6				\$18,000
Volusia	Daytona Beach Police Dept.	224	TEAMSTERS	226	100%	\$23,000
	Daytona Beach Shores Public Safety	28				\$21,468
	Deland Police Dept.	55				\$20,821
	Edgewater Police Dept.	34	PBA	50	100%	\$23,147
	Holly Hill Police Dept.	24	PBA	18	75%	\$21,695
	Lake Helen Police Dept.	5	PBA	4	80%	\$17,992
	New Smyrna Beach Police Dept.	52	TEAMSTERS	44	85%	\$22,091
	Oak Hill Police Dept.	4	PBA	3	75%	\$17,500
	Orange City Police Dept.	16	PBA	5	31%	\$19,940
	Ormond Beach Public Safety Dept.	56	PBA	33	59%	\$20,051
	Ponce Inlet Police Dept.	8				\$21,916
	Port Orange Police Dept.	63	PBA	17	30%	\$24,724
	South Daytona Police Dept.	22	PBA	12	55%	\$22,017

County	Law Enforcement Agency	# of Certified LEOs	Collective Bargaining Representative	# in Union	% in Union	Annual Minimum Salary
	Volusia County Beach Police Dept.	27				\$23,296
	Volusia County Sheriff's Office	350	PBA	107	31%	\$20,275
Wakulla	Wakulla County Sheriff's Office	18				\$20,000
Walton	Defuniak Springs Police Dept.	12	PBA	9	75%	\$17,681
	Walton County Dept of Public Safety	2				\$19,831
	Walton County Sheriff's Office	38				\$21,744
Washington	Chipley Police Dept.	8	PBA	6	75%	\$17,264
	Washington County Sheriff's Office	15				\$18,000

\* Number of certified law enforcement officers provided by Florida Department of Law Enforcement. Minimum annual salary obtained from the Criminal Justice Agency Profile (1996) published by the Department of Law Enforcement Division of Criminal Justice Standards and Training. Number of employees represented by the specified collective bargaining representative was obtained from a Certification Report dated May 15, 1997, provided by the Public Employee Relations Commission.

## LAW ENFORCEMENT AND CORRECTIONS/DETENTION EXPENDITURES\* [FY 1996]

COUNTY	POPULATION (county)	LAW ENFORCEMENT (expenditures)	DETENTION FACILITY (expenses)	TOTAL
Alachua	202,140	\$18,256,463	\$16,057,701	\$34,314,164
Baker	20,709	\$1,843,160	\$584,748	\$2,427,908
Bay	142,159	\$26,192,636	\$7,976,809	\$34,164,445
Bradford	24,983	\$1,206,811	\$1,958,689	\$3,165,500
Brevard	450,164	\$25,395,703	\$12,260,524	\$37,656,227
Broward	1,392,252	\$135,258,000	\$91,963,000	\$227,221,000
Calhoun	12,504	\$609,170	\$357,511	\$966,681
Charlotte	129,468	\$19,564,420	\$1,036,378	\$20,600,798
Citrus	107,889	\$23,413,571		\$23,413,571
Clay	125,431	\$13,451,764	\$4,010,838	\$17,462,602
Collier	193,036	\$34,711,608	\$11,616,606	\$46,328,214
Columbia	52,565	\$4,048,563	\$2,792,009	\$6,840,572
Dade	2,043,316	\$300,123,781	\$170,410,771	\$470,534,552
DeSoto	26,716	\$4,605,279	\$1,197,784	\$5,803,063
Dixie	12,602	\$868,595	\$958,392	\$1,826,987
Duval	728,437			
Escambia	286,301	\$26,548,113	\$15,910,966	\$42,459,079

COUNTY	POPULATION (county)	LAW ENFORCEMENT (expenditures)	DETENTION FACILITY (expenses)	TOTAL
Flagler	39,052	\$5,426,817	\$41,224	\$5,468,041
Franklin	10,378	\$1,426,749	\$999,378	\$2,426,127
Gadsden	46,322	\$5,980,102	\$1,479,130	\$7,459,232
Gilchrist	12,150	\$949,606	\$478,908	\$1,428,514
Glades	9,413	\$1,473,495	\$762,583	\$2,236,078
Gulf	13,545	\$1,202,519	\$393,350	\$1,595,869
Hamilton	13,431	\$1,244,994	\$1,408,562	\$2,653,556
Hardee	22,519	\$3,201,973	\$2,035,006	\$5,236,979
Hendry	30,157	\$5,969,321	\$85,002	\$6,054,323
Hernando	119,931	\$12,506,184	\$2,673,837	\$15,180,021
Highlands	77,996	\$7,000,875	\$6,217,777	\$13,218,652
Hillsborough	910,855	\$152,405,879	\$232,812	\$152,638,691
Holmes	17,412	\$574,423	\$390,192	\$964,615
Indian River	102,211	\$12,629,541	\$6,330,075	\$18,959,616
Jackson	48,629	\$2,211,593	\$1,965,123	\$4,176,716
Jefferson	13,713	\$1,664,398	\$235,957	\$1,900,355
Lafayette	7,012	\$358,831	\$715,396	\$1,074,227
Lake	182,309	\$12,856,889	\$10,595,589	\$23,452,478
Lee	383,706	\$68,311,279	\$20,711,708	\$89,022,987
Leon	221,621	\$31,777,249	\$11,433,590	\$43,210,839
Levy	30,690	\$2,908,531	\$1,883,222	\$4,791,753
Liberty	7,439	\$691,946		\$691,946
Madison	18,745	\$1,191,491	\$1,201,445	\$2,392,936
Manatee	236,778	\$30,287,539	\$15,244,796	\$45,532,335
Marion	229,260	\$21,704,201	\$14,160,151	\$35,864,352
Martin	114,464	\$16,675,323	\$9,134,087	\$25,809,410
Monroe	83,789	\$34,251,216	\$4,323,092	\$38,574,308
Nassau	51,097	\$3,897,967	\$1,654,786	\$5,552,753
Okaloosa	165,319	\$10,526,086	\$5,285,101	\$15,811,187
Okeechobee	33,643	\$3,766,670	\$2,865,078	\$6,631,748
Orange	777,556	\$89,130,485	\$82,129,556	\$171,260,041
Osceloa	139,724	\$16,430,706	\$6,940,705	\$23,371,411
Palm Beach	981,793	\$122,842,153	\$65,385,155	\$188,227,308

COUNTY	POPULATION (county)	LAW ENFORCEMENT (expenditures)	DETENTION FACILITY (expenses)	TOTAL
Pasco	309,936	\$26,261,245	\$14,788,248	\$41,049,493
Pinellas	881,383	\$62,416,482	\$43,134,489	\$105,550,971
Polk	452,707	\$37,178,061	\$24,542,847	\$61,720,908
Putnam	70,287	\$6,470,881	\$2,984,181	\$9,455,062
Santa Rosa	98,491	\$16,266,028	\$14,484,273	\$30,750,301
Sarasota	305,848	\$30,166,730	\$9,290,673	\$39,457,403
Seminole	329,031	\$23,013,760	\$16,431,619	\$39,445,379
St. Johns	101,729	\$18,930,263	\$117,319	\$19,047,582
St. Lucie	175,458	\$18,825,400	\$10,268,350	\$29,093,750
Sumter	40,593	\$3,090,784	\$1,872,716	\$4,963,500
Suwannee	31,424	\$2,692,405	\$4,163,764	\$6,856,169
Taylor	19,022	\$172,830		\$172,830
Union	13,023	\$576,516	\$252,852	\$829,368
Volusia	407,199	\$26,793,092	\$18,113,488	\$44,906,580
Wakulla	18,022	\$2,487,591	\$1,300,721	\$3,788,312
Walton	34,328	\$3,800,920	\$85,840	\$3,886,760
Washington	19,751	\$1,235,913	\$658,476	\$1,894,389
<b>TOTALS</b>	<b>14,411,563</b>			<b>\$2,380,928,524</b>

\* "Detention" includes cost of confinement of prisoners, sentenced or otherwise, and rehabilitation of offenders. Includes costs whether the costs are directly incurred or paid to another local unit for provisions of such services. Not used if detention services constitute an insignificant and indistinguishable element of law enforcement.

### LAW ENFORCEMENT REVENUES RAISED FROM FORFEITURES & OTHER FINES\*

[Fiscal Year Ending 1996]

COUNTY	POPULATION	FORFEITURES/FINES
Alachua	202,140	\$264,305
Baker	20,709	\$36,746
Bay	142,159	\$222,709
Bradford	24,983	\$322,827
Brevard	450,164	\$182,218
Broward	1,392,252	\$4,157,000
Calhoun	12,504	\$31,723
Charlotte	129,468	\$433,418



COUNTY	POPULATION	FORFEITURES/FINES
Citrus	107,889	\$78,155
Clay	125,431	\$313,448
Collier	193,036	\$650,697
Columbia	52,565	\$172,979
Dade	2,043,316	\$9,513,665
DeSoto	26,716	
Dixie	12,602	
Duval	728,437	
Escambia	286,301	\$1,803,827
Flagler	39,052	\$228
Franklin	10,378	\$6,068
Gadsden	46,322	\$117,172
Gilchrist	12,150	\$616,177
Glades	9,413	\$44,223
Gulf	13,545	
Hamilton	13,431	\$1,400
Hardee	22,519	\$43,344
Hendry	30,157	\$6,739
Hernando	119,931	\$1,063
Highlands	77,996	\$349,095
Hillsborough	910,855	
Holmes	17,412	
Indian River	102,211	
Jackson	48,629	
Jefferson	13,713	
Lafayette	7,012	
Lake	182,309	\$9,629
Lee	383,706	\$291,522
Leon	221,621	
Levy	30,690	
Liberty	7,439	
Madison	18,745	

COUNTY	POPULATION	FORFEITURES/FINES
Manatee	236,778	\$411,386
Marion	229,260	\$316,738
Martin	114,464	\$298,569
Monroe	83,789	\$182,101
Nassau	51,097	\$51,040
Okaloosa	165,319	\$1,056,765
Okeechobee	33,643	\$123,053
Orange	777,556	\$4,043,707
Osceola	139,724	
Palm Beach	981,793	\$5,215,917
Pasco	309,936	\$656,584
Pinellas	881,383	\$217,602
Polk	452,707	\$72,323
Putnam	70,287	\$75,150
Santa Rosa	98,491	\$133,145
Sarasota	305,848	\$6,181
Seminole	329,031	\$239,440
St. Johns	101,729	
St. Lucie	175,458	\$316,605
Sumter	40,593	
Suwannee	31,424	
Taylor	19,022	\$301,298
Union	13,023	\$48,417
Volusia	407,199	\$256,476
Wakulla	18,022	
Walton	34,328	\$57,305
Washington	19,751	
<b>TOTAL STATEWIDE</b>		<b>\$33,750,179</b>

\* Includes revenues received from fines and penalties imposed for the commission of statutory offenses, violation of lawful administrative rules and regulations, and for neglect of official duty. Forfeitures include revenues resulting from confiscation of deposits or bonds held as performance guarantees and proceeds from the sale of contraband property seized by law enforcement agencies.

## CIVIL JUSTICE & CLAIMS FACTS & FIGURES

### OVERVIEW OF FLORIDA'S COURT SYSTEM

The Judicial Branch in Florida has four levels of courts. County courts have jurisdiction over misdemeanors, traffic offenses, small claims, evictions, and civil claims under \$15,000. There are 263 county court judges, whose annual salary is **\$98,448**. There are 20 judicial circuits, served by a total of 468 circuit judges, who are paid **\$110,754**. Circuit courts have jurisdiction over felonies, juvenile delinquency and dependency, family law, probate, injunctions, and civil suits involving more than \$15,000. The five district courts of appeals have a total of 61 judges, who are paid **\$123,583**. The district courts are the primary appellate courts in Florida, hearing most of the appeals from circuit courts and administrative agencies.

The Florida Supreme Court has seven justices, who are paid **\$137,314** per year. The Florida Supreme Court hears appeals involving conflicts between decisions of the district courts of appeal. The Court also has jurisdiction over certain types of direct appeals from trial courts, such as death penalty cases. The Supreme Court also governs the Florida Bar, regulates admission and discipline of attorneys, makes rules of procedure for all courts, and administers some aspects of the statewide court system.

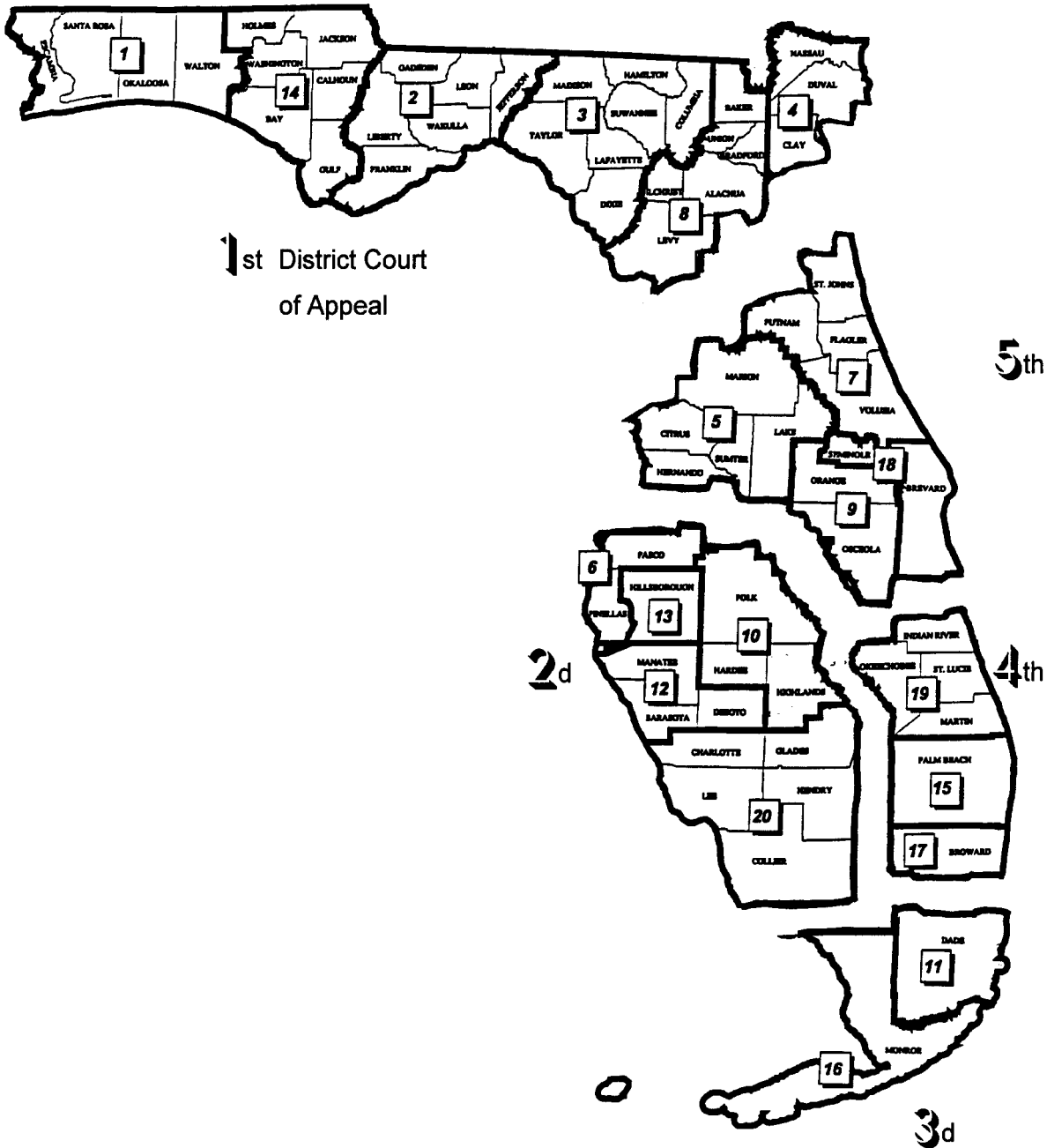
All judges vest for retirement after 8 years of service, and accrue 3.33% retirement credit per year. Mandatory retirement age for all judges is **70**, or upon expiration of a term of office after reaching 70. Retired judges who are not actively practicing law are eligible to serve, on a voluntary basis, as senior judges to handle backlogs or temporary workload peaks in the courts. When so assigned by the Chief Justice, they are paid **\$275 per day**, or about **50%** of what a full-time active judge would cost. It is estimated that senior judges will serve in excess of 7,875 days this fiscal year.

The 1998 Legislature did not establish any additional judgeships, but provided a 2.78% pay increase for judges, effective October 1, 1998. The Legislature also began implementation of legislation to relieve counties of part of the expense of maintaining the state court system.

### PEACEMAKING: ALTERNATIVE DISPUTE RESOLUTION

Florida's courts and the Legislature have led the nation in exploring and implementing innovative, less costly means of resolving disputes. Because a large percentage of lawsuits are eventually settled before trial, if that settlement can be reached earlier in the process, there are savings in public and private costs. There are over 110 different court-connected mediation and six court-connected arbitration programs designed to provide alternative methods for disputants to resolve their civil conflicts more quickly and at less cost, both to the litigants and to the public. These include Citizen Dispute Settlement/Neighborhood Justice Centers, county court/small claims, circuit court, family (divorce), dependency and appellate programs. Approximately 10,000 people have completed Supreme Court certified mediation training and over 4,000 are currently court certified mediators. Comprehensive statistics are not available since many of the mediations are conducted privately; however, in 1997, it is estimated that over **120,000** cases were diverted from the traditional court system to mediation.

# FLORIDA JUDICIAL CIRCUITS AND DISTRICT COURTS OF APPEAL



## FLORIDA ATTORNEYS

The Florida Bar is an agency of the Supreme Court and membership is mandatory for all attorneys who practice in Florida. The Florida Bar had **57,496 members** in good standing as of April of 1998 - 42,348 men and 15,148 women. 46,671 members reside in Florida, 10,686 in other states, and 139 overseas. The median age is 42, and the median number of years of experience is 12.

In fiscal year 1996-97, there were **9,436 complaints** filed against lawyers and received by the Bar's discipline section. Of these, the Bar or the Florida Supreme Court imposed 36 disbarments, 127 suspensions, 66 public reprimands, 36 resignations, 88 private reprimands or admonishments, and 71 probations. Over half of the \$190 annual dues paid by Bar members are used to support the Bar's discipline activities.

## FLORIDA'S COURT SYSTEM - CASE FILING AND DISPOSITIONS

### FLORIDA SUPREME COURT CASE FILINGS [Top Number] and CASE DISPOSITIONS (Lower Number)

Type of Case	1994	1995	1996	1997
I. Mandatory Jurisdiction: Death Penalty	70 (95)	72 (62)	65 (67)	80 (105)
Statute declared Unconstitutional	24 (29)	9 (11)	19 (17)	12 (16)
Other Mandatory Jurisdiction	8 (10)	9 (7)	15 (10)	8 (14)
II. Discretionary Jurisdiction: Conflict of Decisions	743 (783)	851 (838)	800 (818)	861 (833)
Question of Great Public Importance	102 (135)	107 (96)	121 (120)	84 (102)
Other Discretionary Jurisdiction	109 (115)	88 (27)	100 (103)	133 (119)
III. Original Proceedings: Habeas Corpus	200 (202)	262 (244)	415 (388)	466 (359)
Mandamus	106 (111)	140 (138)	255 (231)	209 (167)
Other Judicial	71 (71)	57 (64)	154 (148)	110 (100)
Florida Bar and Bar Examiners	508 (481)	548 (497)	550 (609)	499 (520)
Other Administrative	29 (30)	32 (41)	33 (31)	32 (30)
<b>TOTALS</b>	<b>1,970 (2,064)</b>	<b>2,175 (2,096)</b>	<b>2,527 (2,542)</b>	<b>2,494 (2,373)</b>
Cases Pending at end of Year	839	910	899	1,019

**DISTRICT COURTS OF APPEAL - STATEWIDE**  
**CASE FILINGS [Top Number] and CASE DISPOSITIONS (Lower Number)**

Type of Case	1994	1995	1996	1997
I. CIVIL APPEALS	10,157 (10,171)	10,462 (10,758)	10,190 (10,658)	9,489 (9,829)
Subcategory: Worker's Comp.	756 (998)	674 (826)	590 (655)	581 (609)
Subcategory: Other Administrative Appeals	1,286 (1,162)	1,250 (1,348)	1,305 (1,231)	1,422 (1,367)
II. CRIMINAL APPEALS	8,824 (9,039)	11,244 (10,230)	11,932 (11,368)	13,022 (12,413)
Subcategory: Post-Conviction	1,965 (1,955)	2,606 (2,487)	3,295 (3,177)	3,474 (3,581)
Subcategory: Habeas Corpus	654 (633)	734 (702)	887 (844)	1,159 (1,049)
<b>TOTALS</b>	<b>18,981</b> <b>(19,210)</b>	<b>21,696</b> <b>(20,988)</b>	<b>22,122</b> <b>(22,026)</b>	<b>22,511</b> <b>(22,242)</b>
Cases Pending at end of Year	12,482	13,189	13,281	13,550

[Source: Office of State Courts Administrator]

**CIRCUIT COURTS - STATEWIDE**  
**CASE FILINGS [Top Number] and CASE DISPOSITIONS (Lower Number)**

Type of Case	1994	1995	1996	1997	1998† Forecast
Criminal	160,538 (151,062)	163,589 (153,429)	174,331 (166,726)	173,504 (182,627)	175,679†
Juvenile	168,202 (148,322)	167,055 (155,522)	170,279 (152,091)	167,346 (158,781)	166,933†
Domestic Relations (for detail see Family Law)	236,163 (223,150)	235,273 (225,837)	229,190 (229,781)	239,202 (230,989)	246,048†
Probate (For detail see Real Property & Probate)	82,290 (82,015)	82,553 (79,237)	86,367 (87,102)	90,268 (86,267)	91,263†
OTHER CIVIL: Professional Malpractice	1,848 (1,535)	1,885 (1,733)	1,992 (1,754)	2,043 (1,802)	
Product Liability	2,286 (912)	4,632 (1,071)	2,153 (1,294)	2,810 (1,165)	
Automobile Liability	19,690 (18,551)	20,127 (18,438)	20,911 (18,881)	20,750 (19,612)	

Type of Case	1994	1995	1996	1997	1998† Forecast
Other Negligence	12,696 (11,487)	12,300 (11,878)	13,118 (12,231)	12,737 (11,992)	
Condominium	433 (579)	375 (480)	748 (481)	571 (651)	
Contract Indebtedness	23,690 (25,732)	23,732 (23,579)	25,826 (23,712)	28,074 (25,611)	
Mortgage Foreclosure	39,930 (42,217)	40,982 (42,944)	49,490 (43,061)	59,212 (54,820)	
Eminent Domain	2,181 (1,721)	2,090 (1,613)	1,596 (1,342)	1,257 (947)	
Other	26,892 (24,999)	27,166 (25,153)	26,899 (25,508)	28,072 (26,286)	
<i>SUBTOTAL, OTHER CIVIL</i>	<i>130,357 (127,733)</i>	<i>133,288 (126,889)</i>	<i>142,733 (128,523)</i>	<i>155,526 (142,886)</i>	<i>160,815‡</i>
<b>GRAND TOTAL - All Filings</b>	<b>777,550 (732,322)</b>	<b>781,758 (740,914)</b>	<b>802,901 (764,223)</b>	<b>825,846 (801,550)</b>	<b>840,738‡</b>
APPEALS FILED FROM COUNTY COURT	1,041	1,134	1,309	1,171	

[Source: Office of State Courts Administrator]

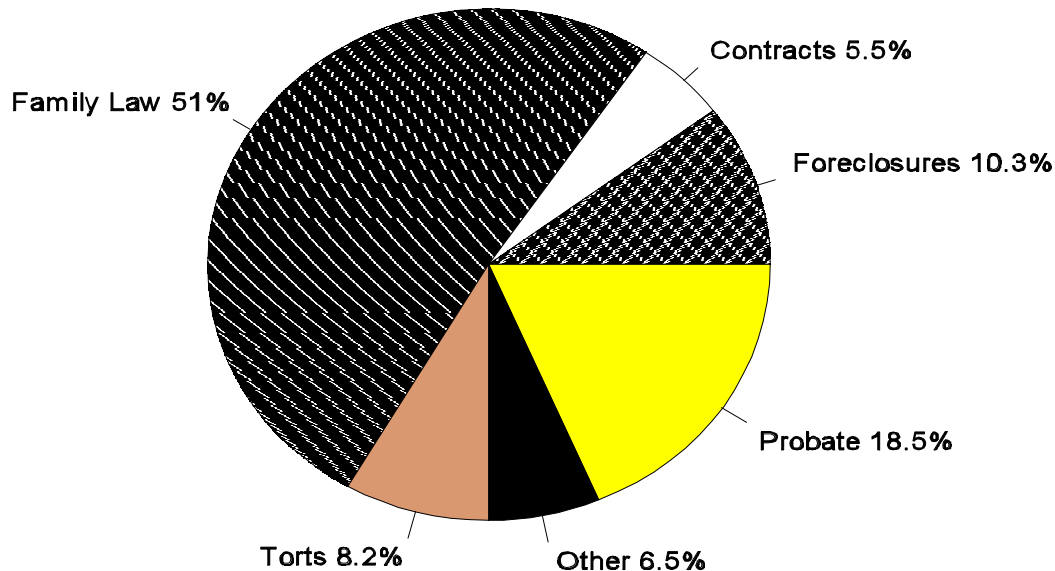
‡ 1998 data from reforecast by Office of State Court Administrator in Certification of Need for Additional Judges, 1998, p. 14.

## TYPES OF CASES IN CIRCUIT COURT

**Criminal cases** make up about **21%** of all case filings in Florida's circuit courts; **juvenile delinquency** petitions constitute another **21%**. The remaining civil cases can be broken down into the categories shown on the following chart, as percentages of the total civil caseload. Florida's mixture of cases is somewhat different than the national norm, according to a study done in 1993 by the National Center for State Courts. Florida has a higher percentage of family law cases, 51% as compared to 48% nationally; more probate cases, 18.5% v. 13.6%; about the same proportion of mortgage foreclosures (10.3% v. 10.6%); and fewer tort cases (8.2% v. 11.2%) and contract cases (5.5% v. 12.5%). These percentages may not be directly comparable due to differences in definitions, but they are illustrative of the caseloads in our courts.

## CIRCUIT COURT - CIVIL CASES

Average percentage of filings, 1994-97



### CIVIL LITIGATION

Excluding family law and probate proceedings, which operate under unique rules, the remaining types of actions, **30.5% of civil cases**, 17.6% of all filings, make up what most people think of as “**lawsuits**”, or civil litigation. No source has been found that can indicate the actual numbers of claims made, the numbers or terms of settlements, the average amounts of jury verdicts or bench trial judgments, the frequency or amounts of economic as opposed to noneconomic damages awarded, the application of joint and several liability or comparative fault, or the frequency or amount of punitive damages in Florida courts.

Existing Florida circuit court statistics give total case filings and dispositions for several subheadings of civil litigation, but they do not track whether the dispositions were the result of settlements or judicial activity, and they do not show the amounts of verdicts, judgments or settlements. They also do not show claims made that did not result in the filing of a lawsuit. The numbers of filings may be approximate at best, since many lawsuits contain multiple counts alleging different types of actions, such as a breach of contract, a breach of warranty, a negligent tort, and a statutory violation. Such a case is assigned to only one reporting category.

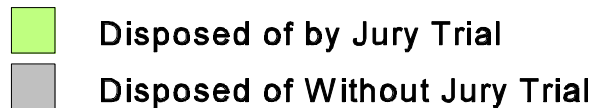
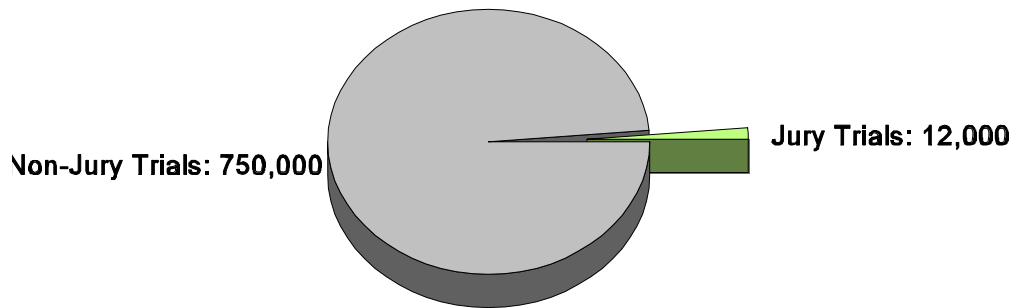
However, some national data are available. In 1992, the National Center for State Courts of the U.S. Justice Department studied civil cases in the trial courts of general jurisdiction in the nation's 75 largest counties, and published statistics based on a sample of 45 counties, which included Dade, Orange and Palm Beach Counties in Florida. The study tracked 762,000 tort, contract and real property cases to conclusion. The following charts summarize some of the results of that study.



## UNITED STATES

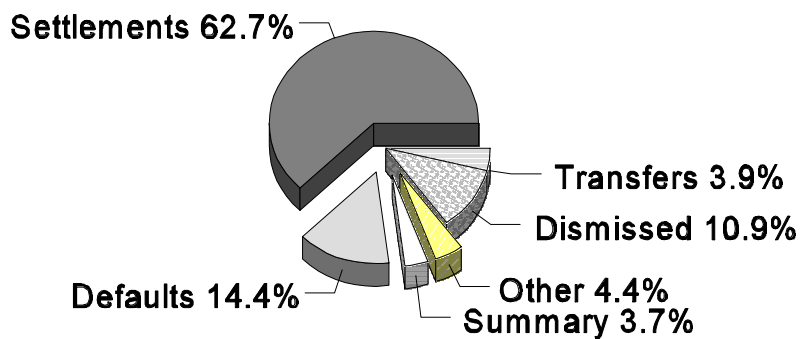
### 762,000 CIVIL CASES

Final Disposition - Contract, Tort & Real Estate Cases



### 750,000 NONJURY CASES

Methods of Disposition of Nonjury Cases



**OVERVIEW OF CONTRACT AND TORT CASES  
DISPOSED IN STATE COURTS, 75 LARGEST COUNTIES, 1992**

CASE TYPE	CONTRACT CASES		TORT CASES	
	# of Cases	Percent	# of Cases	Percent
<b>Type of disposition:</b>				
Agreed Settlement	180,496	49.9%	277,168	73.4%
Bench Trial	7,035	1.9%	2,211	.6%
Jury Trial	2,441	.7%	8,852	2.3%
Summary Judgment	20,236	5.5%	6,504	1.7%
Default Judgment	94,860	26.0%	11,799	3.1%
Dismissed	43,813	12.0%	35,604	9.5%
Arbitration Awards	6,093	1.7%	13,161	3.5%
Transferred	9,570	2.6%	19,295	5.1%
Other Disposition	719	.2%	2,828	.7%
<b>Type of Plaintiff Litigants:</b>				
Individual	94,280	25.7%	354,006	93.6%
Business	247,343	67.5%	22,704	6.0%
Government	14,966	4.1%	1,281	.3%
Hospital	9,748	2.7%	322	.1%
<b>Type of Defendant Litigants:</b>				
Individual	147,876	40.4%	190,872	50.5%
Business	204,397	55.8%	149,937	39.6%
Government	8,000	2.2%	20,252	5.4%
Hospital	6,063	1.7%	17,253	4.6%
<b>Pairing of Primary Litigants:</b>				
Individual v. individual	28,990	7.9	176,815	46.9%
Individual v. business	61,049	16.7	139,156	36.9%
Nonindividual v. individual	114,645	31.4	7,527	2%
Nonindividual v. business	136,333	37.3	6,326	1.7%
Other Litigant pairings	24,205	6.7	46,935	12.4%

CASE TYPE	CONTRACT CASES		TORT CASES	
	# of Cases	Percent	# of Cases	Percent
<b>Case Processing Time from filing of complaint to disposition (in months):</b>				
Median		8.3 mo.		13.7 mo.
Mean		13.0 mo.		19.3 mo.
<b>Final Amount Awarded to Plaintiff winners in Jury Trial Cases:</b>				
Median	\$56 000		\$51,000	
Mean	\$620,000		\$408,000	

[Source: U.S. Justice Department, Bureau of Justice Statistics: Civil Jury Cases and verdicts in Large Counties, 1995]

## THE COST OF MEDICAL MALPRACTICE - INSURANCE CLAIMS PAID

Insurers are required to report the history and disposition of all claims made under policies insuring against negligence or other malpractice by physicians, dentists, hospitals, and other related entities. The reports to the Department of Insurance are made at the time the claim file is closed, which may not be the same year the claim was initially made. "Indemnity" means all sums paid out to or on behalf of claimants as a result of the claim. It has roughly the same meaning as "damages" in litigation. "Allocated loss and adjustment expense", or "expense", means the direct cost to the insurer for processing the claim. It can include investigation, adjusters, attorney's fees, expert witnesses, court costs, and costs of arbitration or mediation, whether or not any money is paid out in indemnity.

Year	Indemnity Paid	Alloc. Loss Adjustment Expense	Total Paid	# Claims with Indemnity	# No Indemnity or Expense	# with Expense only	Total Claims
1975	\$10,971,910	\$2,291,660	\$13,263,570	390	344	236	970
1976	\$8,350,605	\$2,848,919	\$11,199,524	359	457	374	1,190
1977	\$12,184,176	\$3,634,832	\$15,819,008	332	506	465	1,303
1978	\$12,097,698	\$3,972,627	\$16,070,325	292	594	616	1,502
1979	\$14,281,258	\$3,862,744	\$18,144,002	245	615	652	1,512
1980	\$28,176,435	\$5,145,694	\$33,322,129	279	729	628	1,636
1981	\$38,928,080	\$6,671,315	\$45,599,395	455	798	760	2,013
1982	\$69,578,743	\$9,270,864	\$78,849,607	581	1,205	836	2,622
1983	\$77,039,773	\$10,513,563	\$87,553,336	622	1,038	887	2,547
1984	\$100,731,972	\$15,134,610	\$115,866,582	678	1,025	1,025	2,728
1985	\$102,410,413	\$17,915,610	\$120,326,023	911	419	847	2,177
1986	\$169,607,623	\$28,572,768	\$198,180,391	1,320	505	1,172	2,997
1987	\$199,210,397	\$42,431,107	\$241,641,504	1,534	903	1,990	4,427
1988	\$174,222,942	\$45,940,447	\$220,163,389	1,483	786	1,980	4,249
1989	\$217,177,062	\$53,509,194	\$270,686,256	1,430	666	1,644	3,470

Year	Indemnity Paid	Alloc. Loss Adjustment Expense	Total Paid	# Claims with Indemnity	# No Indemnity or Expense	# with Expense only	Total Claims
1990	\$200,789,737	\$50,138,481	\$250,928,218	1,300	324	1,173	2,797
1991	\$235,309,083	\$62,879,661	\$298,188,744	1,359	217	850	2,426
1992	\$232,109,815	\$51,253,674	\$283,363,489	1,215	184	908	2,307
1993	\$239,363,195	\$60,665,185	\$300,028,380	1,261	139	779	2,179
1994	\$266,726,388	\$66,275,847	\$333,002,235	1,343	192	876	2,411
1995	\$366,981,822	\$81,778,789	\$448,760,611	1,658	222	977	2,857
1996	\$422,548,375	\$86,521,521	\$509,069,896	1,829	233	1,051	3,113
1997	\$387,712,522	\$79,971,387	\$467,683,909	1,757	119	1,000	2,876

## PUNITIVE DAMAGES

In a civil case, the jury (or the judge, if there is no jury) may award punitive damages in addition to compensatory damages, if certain conditions are met. In a negligence case, there must be a finding that the defendant's conduct which caused the damage was either so gross and flagrant as to show a reckless disregard of human life or safety, or was so recklessly indifferent to the rights of others as to be equivalent to an intentional violation of those rights. In non-negligence cases, a finding of fraud, actual malice, deliberate violence, or oppression may support an award of punitive damages. Punitive damages are meant to serve as a punishment for wrongdoing, and as a deterrent.

As part of the tort reform legislation enacted in 1986, several restrictions were placed on punitive damages. A complaint when initially filed may not contain a request for punitive damages. After evidence is developed through discovery, a plaintiff may move to amend the complaint and request the court to decide if the evidence provides a reasonable basis for such an award. An award of punitive damages in excess of three times the amount of compensatory damages in certain types of cases is presumed to be excessive and must be reduced, unless the plaintiff shows by clear and convincing evidence that it is reasonable. Effective July 1, 1986, 60% of all punitive damages awards were made payable to the state, with 40% going to the claimant. Beginning April 8, 1992, these percentages were changed to allocate 35% to the state, and 65% to the claimant. The statutory sections requiring a share to go to the state were repealed, effective July 1, 1995; the state no longer receives any portion of the award.

For nine years, all judgements awarding punitive damages were required to be reported to the state. According to the Comptroller's Office, 177 cases involving punitive damages were reported during this period, with a total of \$129,904,679 in awards. This compares with the approximately 350,000 tort cases filed in circuit court during the same period. Of the 177 cases, some 64 (36%) have resulted in payment of some or all of the state's share, for a total of \$8,771,006. This is consistent with the experience of private practitioners - many judgments are simply uncollectible. Although only judgments entered before July 1, 1995 are shared with the state, 76% of all the monies collected since 1986 were received after July 1995. Of the total amount collected since 1986, 71% came from asbestos product liability cases.

## LAWSUITS AGAINST THE STATE - SOVEREIGN IMMUNITY WAIVER

Under common law principles, the state and its political subdivisions are entitled to sovereign immunity - they may not be sued for money damages. This immunity may be waived, and the Legislature has enacted laws providing limited waivers of sovereign immunity. Under Section 768.28, Florida Statutes, a person injured by the negligence or intentional act of a state or local employee or officer acting within the scope of their employment may not sue the employee or officer, but may sue the state agency or subdivision to the same extent as a non-immune entity. There are exclusions for acts of officers or employees which are malicious, grossly negligent, or done in bad faith. The maximum amounts that may be recovered are \$100,000 per person or \$200,000 per incident, or the limits of liability of any applicable insurance policy, whichever is greater. Recovery of any larger amount in a particular case is within the discretion of the Legislature, as described in the next section on Claim Bills.

Most of the "waiver of sovereign immunity/ tort claims" program is administered at the state level by the Department of Insurance. Some information is provided below summarizing their experience over the last 4 fiscal years, and the first eleven months of the current fiscal year.

	<b>FY 94 #Claims/ \$ Paid</b>	<b>FY 95 #Claims/ \$ Paid</b>	<b>FY 96 # Claims/ \$ Paid</b>	<b>FY 97 # Claims/ \$ Paid</b>	<b>FY 98 first 11 months #Claims/\$ Paid</b>
Automobile Liability	626 \$2,214,174	697 \$3,068,505	643 \$3,669,064	621 \$2,204,819	536 \$3,314,576
Personal Injury	57 \$525,024	82 \$620,301	52 \$822,533	20 \$470,582	14 \$451,500
Professional Malpractice	50 \$719,870	64 \$998,414	34 \$443,341	15 \$170,478	11 \$282,569
Drawbridge & Turnpike	13 \$261,566	10 \$96,152	15 \$274,670	11 \$130,525	5 \$76,300
Premises & Operations	2,686 \$7,143,991	2,065 \$7,329,960	1,586 \$7,911,166	1,287 \$7,711,429	1,014 \$7,412,255

[Source: Dept. of Insurance, Div. of Risk Management, Claim Experience Reports] Note: data are payments made during fiscal year; claim may have arisen during a previous year.

## CLAIM BILLS - LEGISLATIVE RELIEF

A claim bill is a bill that seeks compensation for a person injured by an act or omission of the state, its subdivisions, agencies, officers, or its employees, under circumstances where there is no other available remedy. A claim bill is usually an appropriation directing an agency or political subdivision to pay a specified amount to an injured party. There are two main types of such bills: (1) for an amount in excess of the maximum recovered under the sovereign immunity waiver law, or (2) for an amount that the Member filing the bill determines fair and equitable, without an underlying judgment or settlement. The Legislature is not necessarily bound by statutes of limitations, nor by stipulations between the parties, nor by the findings of a Special Master.

The following chart sets forth legislative action on claim bills over the past 43 years. The number of claim bills began dropping in 1977, and has stabilized at about 26 per year for the past several years. This decline in numbers is thought to be due to the enactment of the section 768.28 procedure in 1974; some claimants whose only resort was a claim bill in prior years, are now being fully compensated under the statutory tort claims provisions. No claim bills passed in the 1997 Session of the Legislature, because a restructuring of the process for handling claim bills was being developed. The 1998 figures represent two years of claim bills.

### ANNUAL SUMMARY OF ALL CLAIM BILL ACTIVITY IN THE FLORIDA LEGISLATURE

Year of Session	Total # of Claims Filed	Total Dollar Amount Claimed	Total # of Claims that Became Law	Total Dollar Amount Paid	% of Claim Bills Filed that Became Law	% of Dollars Requested That Were Paid
1955	91	\$ 480,254	47	\$ 233,750	52%	49%
1957	68	N/A	35	N/A	51%	N/A
1959	52	198,126	18	75,929	37%	38%
1961	51	345,180	25	83,354	49%	24%
1963	83	853,783	37	64,666	45%	8%
1965	79	927,121	31	193,129	39%	21%
1967	61	1,165,625	30	158,882	49%	14%
1969	119	2,324,588	41	434,275	34%	19%
1970	66	2,841,146	22	488,915	33%	17%
1971	59	2,349,172	16	227,737	27%	10%
1972	57	2,561,080	12	137,911	21%	5%
1973	65	5,318,182	21	108,943	32%	2%
1974	81	8,618,071	27	1,727,334	33%	20%
1975	92	15,941,051	14	174,754	15%	1%
1976	98	14,456,652	23	356,419	23%	2%
1977	60	20,654,799	18	303,480	30%	1%
1978	48	25,071,359	9	347,089	19%	1%
1979	34	19,317,752	3	495,000	9%	2%
1980	35	10,545,417	14	1,303,124	40%	12%
1981	30	10,116,639	9	1,330,420	30%	13%
1982	29	6,728,843	4	67,441	14%	1%
1983	25	6,982,372	8	1,373,509	32%	20%
1984	30	21,344,591	11	6,937,943	37%	33%
1985	27	7,014,757	7	776,931	26%	11%
1986	25	34,595,614	11	2,149,544	44%	6%
1987	24	15,811,117	8	4,394,904	33%	28%

Year of Session	Total # of Claims Filed	Total Dollar Amount Claimed	Total # of Claims that Became Law	Total Dollar Amount Paid	% of Claim Bills Filed that Became Law	% of Dollars Requested That Were Paid
1988	27	13,895,845	19	5,077,521	70%	37%
1989	25	26,443,994	7	3,933,600	28%	15%
1990	27	15,907,574	10	7,838,013	37%	49%
1991	27	24,812,666	17	12,017,251	63%	48%
1992	21	12,352,300	8	3,930,606	38%	32%
1993	24	26,534,354	11	3,835,837	46%	14%
1994	29	35,051,753	12	10,436,870	41%	30%
1995	28	30,489,004	21	19,267,194	75%	63%
1996	25	53,166,262	19	45,661,085	76%	86%
1997-98	33	53,022,019	26	28,644,467	79%	54%

## FAMILY LAW & CHILDREN FACTS & FIGURES

Florida faces the same problems caused by weakening family structures as the rest of the nation. Unwed mothers, children having children, child abuse, divorce, and non-support all hurt the physical and emotional well-being of our children, often leading to crime or despair. The Legislature amends family laws and creates programs to deal with the existing problems and, hopefully, to prevent future ones. The following pages provide some information concerning the problems and their magnitude, and some of the programs which are addressing them.

### MARRIAGES, BIRTHS, DIVORCES, DEATHS AND ADOPTIONS DECLINE

The rates per 100,000 population for marriages, dissolutions, births, and deaths have all been declining in Florida over the past four years, and since 1980. However, the **divorce rate** for Florida is **26% higher** than for the U.S. as a whole, the **marriage rate is 18% higher**, the **birth rate is 12% lower**, and the **death rate is 13% lower**. **Adoptions declined** for the second year in a row.

CATEGORY	1993	1994	1995	1996	1997
<b>Marriages Performed</b>	141,892	142,895	145,090	150,599	158,783
<b>Dissolutions Granted</b>	82,956	81,628	78,416	77,750	82,161
<b>Live Births</b>	192,453	190,546	188,535	189,338	192,304
<b>Death Certificates</b>	145,068	146,869	151,619	152,697	155,645
<b>Adoption Placements</b>	1,263*	1,310*	1,623*	1,558*	1,477*

[Sources: Florida Office of Vital Statistics, 1995 and 1996 Annual Reports, and preliminary final data for 1997; Department of Children & Family Services (adoption statistics)]

\* indicates figures are for fiscal year ending June 30 of that year. Includes only placements by Dept. of Children & Families.

### CHILD FOSTER CARE AND ADOPTIONS - THE PROCESS

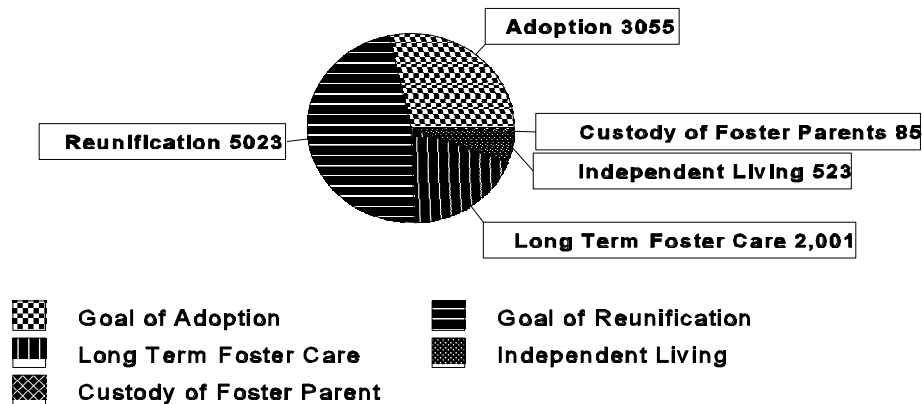
When parental neglect, abandonment, or abuse endangers a child, the Department of Children & Family Services may temporarily remove the child from the parents or other custodians and place the child in a shelter. A court hearing must be held within 24 hours; if justified, the court may order shelter care continued until a more formal hearing on a dependency petition by the Department. If the court later determines that the child is dependent and would be endangered by being returned home, the court may order the child placed in foster care under the Department's supervision. Initially, most children in foster care are placed with a "goal of reunification" with their biological family, under the theory that, with the help of Department services and counseling, parents may improve their parenting skills and home situation sufficiently to be reunited with the child. About half the children in foster care have a goal of **reunification**, with an average stay of **20 months**. If reunification is not feasible, the court may order the child's status changed to a "**goal of adoption**", and the Department begins proceedings to terminate parental rights and recruit adoptive parents, as outlined in the next section. About **30%** of the children in foster care have this goal, and their **average stay in foster care is 45 months**. The next chart shows the status of all children in foster care.



# FLORIDA

## All Children in Foster Care

(as of 1/13/97)



### ADOPTIONS TAKE A LONG TIME

Before a minor child can be adopted, the parental rights of the biological father and mother, if living, must be terminated by **voluntary consent** or by **court order**. In the case of the 75% of Florida adoptions arranged by private agencies and attorney intermediaries, parental consent has usually been given, and the adoptions can be finalized shortly after the birth of the child. In the 25% administered by the Department, the process is more complicated. One or both of the parents whose consent is necessary are often absent or even unknown. They must be identified (sometimes genetic paternity tests are required) and located. If they do not consent, court proceedings must be initiated to terminate their parental rights, and an attorney must be provided if they are unable to pay for one. The court process can easily consume one or even two years, or more if an appeal is filed.

The children involved in private placements are usually healthy infants. The children available for adoption in Department foster care are usually in harder-to-place categories: older children ( $\frac{2}{3}$  are over the age of 5), children with physical and mental disabilities, health problems, emotional problems, black and mixed-race children, and children with siblings who want to stay together as a family unit. The **numbers of children in foster care have declined** in the last three years, as have the **number of prospective adoptive parents** and the **number of children actually placed for adoption** by the Department. The next two tables show the ages of children waiting for adoption and their length of stay in foster care.

### CHILDREN WAITING TO BE ADOPTED

(Years in Foster Care - includes time prior to termination of parental rights)

	Under 2 years	2 - 3 Years	4 - 5 Years	6 years and over
Children with Parental Rights Terminated	188	389	289	354
Children with Parental Rights Not Terminated	669	666	238	126

**CHILDREN WAITING TO BE ADOPTED - PARENTAL RIGHTS TERMINATED**  
**(Age Breakdown - Years in Foster Care - includes time spent in foster care prior to termination of parental rights)**

	<b>Under 2 years</b>	<b>2 - 3 Years</b>	<b>4 - 5 Years</b>	<b>6 years and over</b>
<b>Ages 0 - 5 years</b>	92	152	59	0
<b>Ages 6 - 12 years</b>	77	172	159	207
<b>Ages 13 - 15 years</b>	15	50	58	107
<b>Ages 16 years &amp; over</b>	14	15	13	40

[Source: Department of Children & Family Services - Client Information System Open Substitute Care Cases with Goal of Adoption, 5/13/98]

### IMPROVEMENTS TO SPEED ADOPTIONS

All the interested parties agree that the current **45-month length of stay** in foster care for children awaiting adoption is too long, and efforts are underway to shorten this period. The 1998 Legislature enacted a major rewrite of Chapter 39, Florida Statutes, as part of HB 1019 (Ch. 98-403). This legislation, the product of the Dependency Court Improvement Project, will streamline judicial procedures in the adoption process. Also, an advertising campaign with \$1 million in donated services of advertising agencies began work last year with the Department to recruit more foster parents and prospective adoptive parents. The Department will continue efforts to shorten the time it takes to complete steps in the process, including the present 12-month recruitment and approval time for potential adoptive parents. **Cash subsidies** are available for parents who adopt 'special-needs' children; these average a bit less than **\$300 per month**, with almost 10,000 children eligible. There are also **college fee exemptions** available for adopted children. The average adoptive family consists of 4.5 people, with an average household income of \$33,000. **Foster parents make up over 60% of those adopting foster children, while relatives of the child made up 16% of those adopting foster children.**

### CHILD ABUSE INVESTIGATIONS

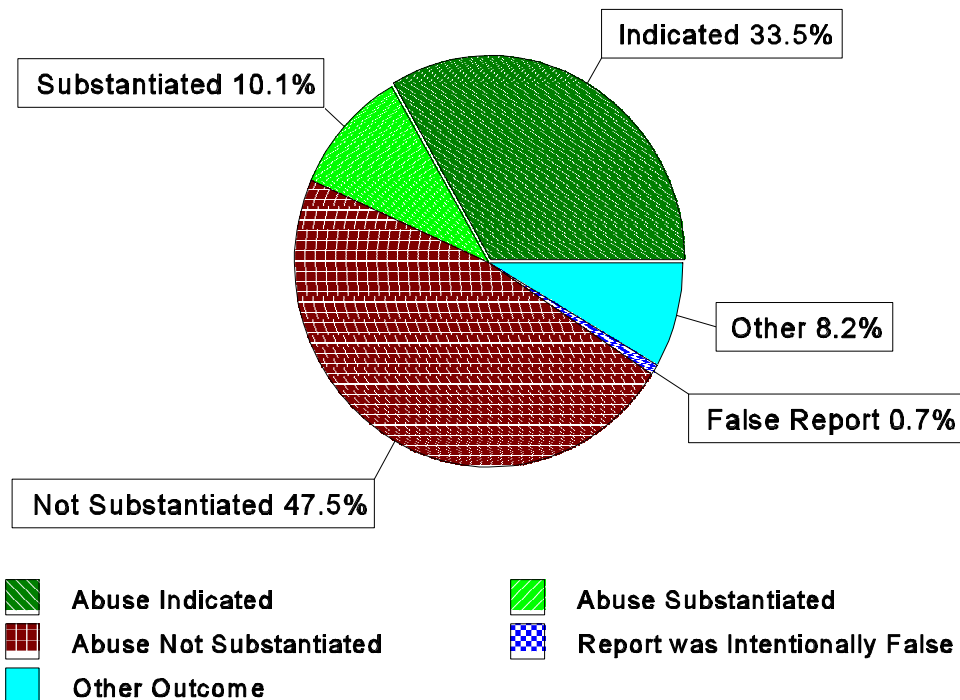
All reports received by the child abuse hotline are evaluated, and some result in formal child protective investigations by the Department or its contractors. The first chart shows the results of such investigations in calendar 1996. **In almost 50% of the cases, no abuse or neglect was found.**

These investigations involved **108,346** families and **175,725** children. The types of abuse substantiated or indicated (one investigation might disclose more than one type of abuse of the same victim) are shown on the second chart. There were **49** victim fatalities. In those cases where abuse was substantiated or indicated, **8,721** victims were removed from the home, **10,489** court cases were initiated, **43,023** victims received additional services, and **26,662** families received additional services.

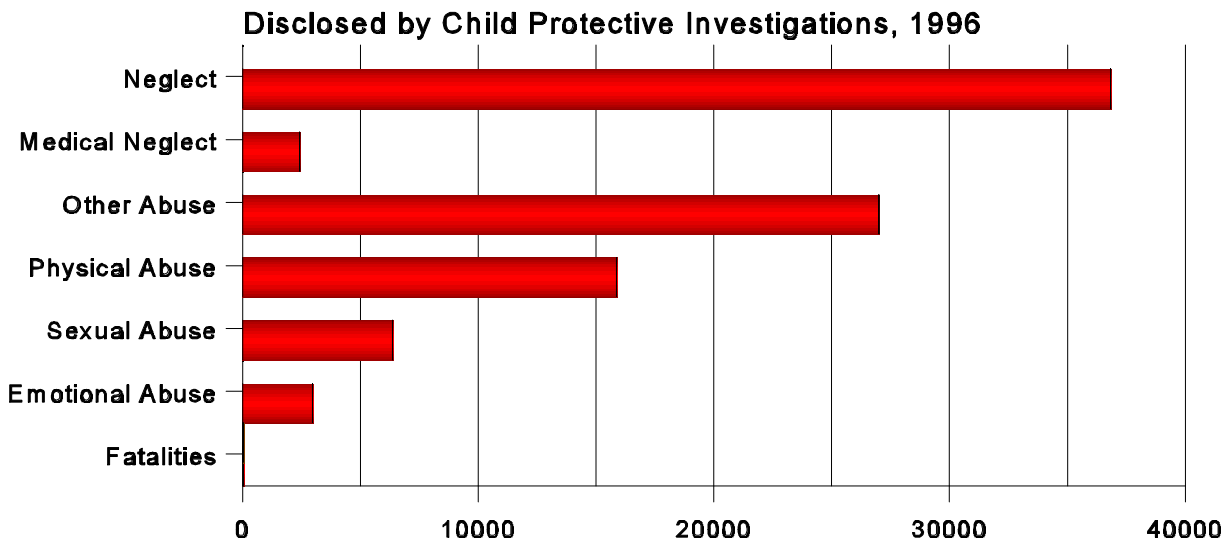
The third chart shows a breakdown of all child abuse hotline calls in fiscal 1996-97. The numbers are different from the first two charts because of the difference between fiscal and calendar years.

# 1996 ABUSE INVESTIGATIONS

Results of 105,277 Child Protective Investigations



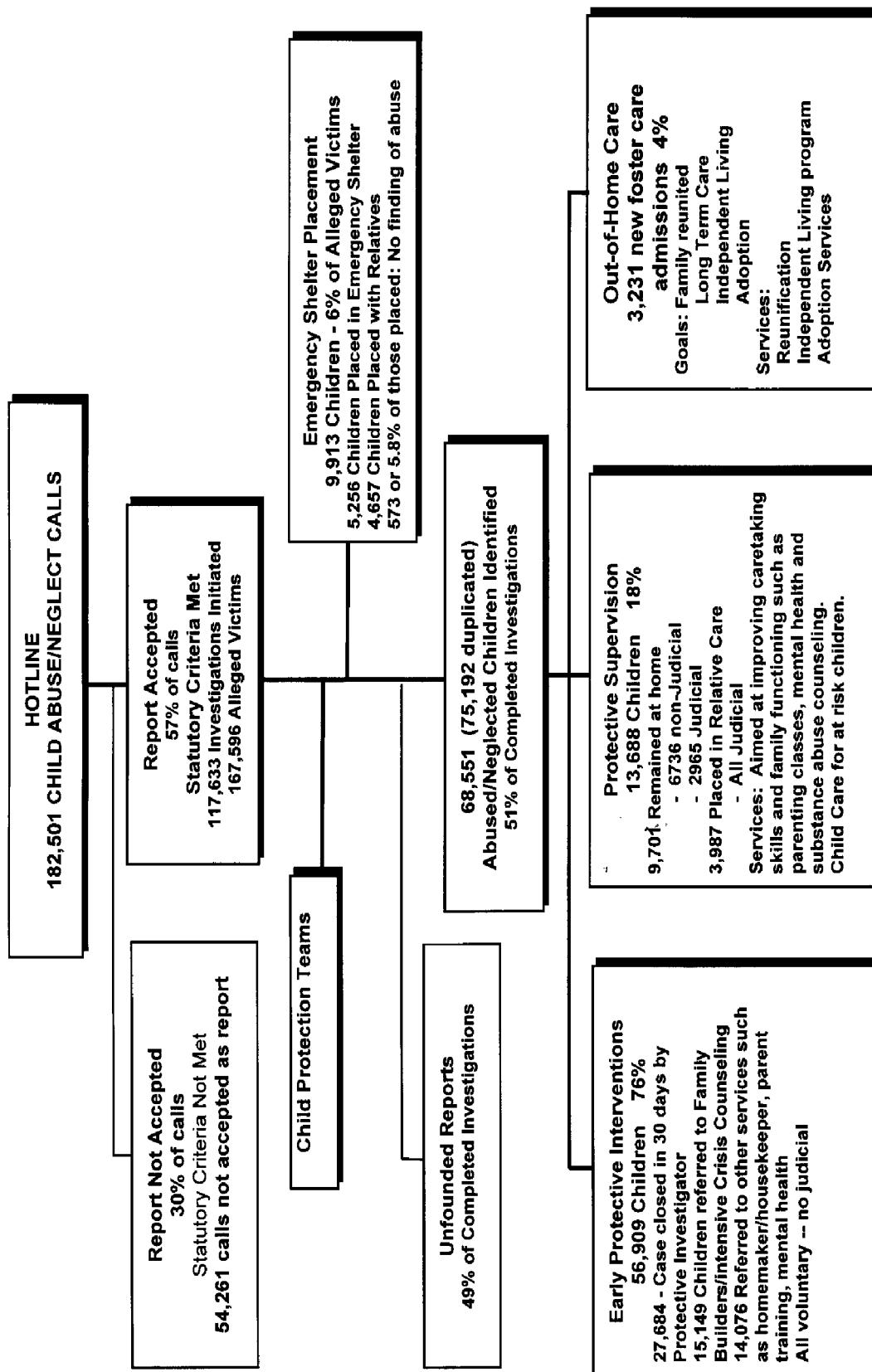
## TYPES OF ABUSE



[Source: U.S. Department of Health & Human Services, National Child Abuse & Neglect Data System, [Child Maltreatment 1996](#)]



## FLORIDA CHILD PROTECTION SYSTEM FY 96-97 DATA



## CHILDREN ARE AT RISK IN SINGLE-PARENT FAMILIES

Births to unwed mothers are decreasing nationwide and slightly increasing in Florida. In Florida, in 1996, **68,082** births were to single parents (**36%** of total number of births in the state, compared to 32.4% for U.S.); 1997 provisional figures show **68,714** births. Nationwide, **about half of all children** will live for a significant portion of their lives in a one-parent household. Children raised in a household where only one parent is present have the following increased risks:

- ◆ more likely to live in poverty;
- ◆ more likely to be a recipient of public assistance;
- ◆ more likely to receive lower grades in school;
- ◆ more likely to repeat a grade in school;
- ◆ more likely to drop out or be expelled or suspended from school;
- ◆ more likely to abuse drugs;
- ◆ more likely to abuse alcohol;
- ◆ more likely to have asthma, speech defects, and other health problems;
- ◆ more likely to be charged with criminal offenses and to be committed to juvenile facilities;
- ◆ more likely to be sentenced to prison;
- ◆ more likely to have a child out of wedlock;
- ◆ and more likely to have emotional or psychological problems and commit suicide.

[Sources: Florida Office of Vital Statistics, 1996 Annual Report; Father Facts 2 - Revised Ed., The National Fatherhood Initiative]

## TEENAGE MOTHERS PUT CHILDREN AT RISK

The birth rate per 100,000 population for mothers under 18 is decreasing nationwide and increasing slightly in Florida; however, **85% of teen pregnancies are unplanned**. In Florida in 1996 there were **10,147** teenage births (5.4% of total); the 1997 provisional figure is **9,941**. A child born to a mother under the age of 18 has the following increased risks:

- ◆ 2.7 times more likely to be incarcerated, if a boy;
- ◆ 83% more likely more likely to be a teenage mother;
- ◆ 2 times more likely to be the victim of abuse or neglect;
- ◆ 25% more likely to be placed for foster care;
- ◆ more likely to drop out of school;
- ◆ more likely to run away from home;
- ◆ more likely to grow up without a father in the house;
- ◆ more likely to be born out of wedlock;
- ◆ and more likely to be stillborn or die in infancy.

[Sources: Office of Vital Statistics, 1996 Annual Report, Fact Sheet #50, V.S.; Department of Juvenile Justice, Office of Juvenile Delinquency Prevention]

## EFFECTS OF DIVORCE

Studies have shown that persons who have been married, divorced, or are cohabiting have the following risks:

	Intact Marriage	Never Married	One Divorce or Separation	2+Divorces or Separation	Cohabited Only
Alcoholism, % lifetime	8.9	15.0	16.2	24.2	29.2
Suicide Risk	1.0	1.9	2.8	2.9	n/a
Depression (Women)	1.5	2.4	4.1	5.8	5.1
Any Psychiatric Disorder, % lifetime	24	33	44	(included in previous)	52
Loneliness, %	4.6	14.5	20.4	(included in previous)	n/a

[Source: Stanton, *Why Marriage Matters*, Pinon Press, 1997]

Adults who experience divorce more than double their risk of early mortality. Children who experience a parental divorce have their life expectancy shortened by an average of four years.

## CHILD SUPPORT ENFORCEMENT

Florida's Child Support Enforcement Program (CSE) is administered by the Department of Revenue. Participation is mandatory for the parents of children receiving public assistance, and voluntary for others. In public assistance cases, child support payments collected by the CSE are used to reimburse the State for amounts paid for public assistance benefits on behalf of the child. When public assistance is no longer paid, the payments can then go directly to the custodial parent for current support. Approximately **56%** of the CSE's cases are **public assistance clients**; **35% have enrolled voluntarily**, and **9%** involve cases referred to Florida by another state's child support agency to enforce support obligations against a Florida resident.

Services provided by the CSE include determining paternity, locating noncustodial parents, having judicial orders entered for child support obligations, collecting and disbursing support payments, and enforcing past due payments. The CSE does not become involved in child custody or visitation issues, only child support obligations.

As of February of 1998, the CSE had approximately **912,500** open cases; **191,000 (21%)** had been referred to private contractors for processing, **353,000 (39%)** had court orders for support entered, and **368,000 (40%)** had not yet been processed to the point where court orders for support had been entered. Of the cases where support orders were in force, **50% had not been complied with**, **20%** had shown partial compliance, and **30%** were in full compliance with the orders. The moneys collected amounted to about **45% of the amounts obligated**.

## FAMILY LAW COURT FILINGS & DISPOSITIONS

The total number of new domestic relations or Family Law cases filed in Florida's courts had leveled off or declined in recent years, reflecting a decline in both dissolutions of marriage and child support and custody cases (U.R.E.S.A. means Uniform Reciprocal Enforcement of Support Act), but most categories increased last year. Actions for **injunctions against domestic violence and repeat violence have increased significantly.**

### CIRCUIT COURTS - STATEWIDE CASE FILINGS [Top Number] and CASE DISPOSITIONS (Lower Number)

TYPE OF CASE	1994	1995	1996	1997
Dissolution of Marriage	95,092 (93,518)	95,416 (93,350)	91,900 (90,170)	94,858 (92,044)
Child Support and U.R.E.S.A.	35,872 (33,330)	34,437 (33,316)	28,835 (33,806)	28,668 (30,217)
Other Domestic Relations	47,224 (40,546)	44,706 (41,448)	40,404 (41,500)	44,603 (41,214)
Domestic Violence	49,220 (47,502)	51,102 (48,806)	56,065 (53,161)	57,539 (56,674)
Repeat Violence	8,755 (8,254)	9,612 (8,917)	11,986 (11,120)	13,534 (12,840)
<b>TOTALS</b>	<b>263,163</b> <b>(223,150)</b>	<b>235,273</b> <b>(225,837)</b>	<b>229,190</b> <b>(229,757)</b>	<b>239,202</b> <b>(230,989)</b>

[Source: Office of State Courts Administrator]

## PRIVATIZATION OF CHILD WELFARE SERVICES

In previous years, the Legislature has authorized a number of pilot programs aimed at demonstrating the feasibility of privatizing different aspects of child welfare services traditionally performed by the state, such as protective services, foster care, and adoptions. The following chart summarizes the existing privatization projects. The 1998 Legislature passed a number of bills relating to privatizing or shifting responsibility for one aspect or another of child welfare services. **HB 1019** (Ch. 98-403) (1) sets standards for a child advocacy center to become eligible for state funding; (2) authorizes working agreements between the Department of Children and Family Services and any local law enforcement agencies, regarding child protective investigations; (3) authorizes pilot and demonstration projects eligible for federal funding in the areas of (a) guidelines for termination of parental rights, (b) concurrent planning, (c) adoption as a permanency goal, (d) risk-based assessment regarding child abuse, (e) fast-track preadoptive placements of infants, (f) preadoptive placements prior to termination of parental rights; and (4) authorizes a foster care privatization pilot project in an eligible district. **HB 2019** (Ch. 98-25) requires the Department to competitively bid most service contracts, establish performance standards and measurements for contracts, to incorporate provisions protecting the state's interests into all contracts, and to have contract management offices in each district. **HB 3217** (Ch. 98-180) requires the Department to develop a plan for the privatization of foster care and related services statewide; establishes a pilot project in Sarasota, Pinellas, Pasco and Manatee Counties involving the State Attorney or the Department of Legal Affairs providing legal services; privatizes foster care and related services in District 5; requires the Department to develop a statewide quality assurance program for contracted services; and requires child protective investigations to be performed by the sheriffs of Pasco, Manatee, and Pinellas Counties. **SB 1660** (Ch. 98-175) requires the Department to contract with a private nonprofit corporation to implement the Healthy Families Florida program in an effort to prevent child abuse. **SB 1646** (Ch. 98-137) transfers all powers and duties of the Department dealing with child protection and sexual abuse treatment to the Department of Health.

**SUMMARY TABLE OF THE CHILD WELFARE PRIVATIZATION PROJECTS  
DEPARTMENT OF CHILDREN & FAMILIES / OFFICE OF STANDARDS & EVALUATION**

Project Name/Location	Date Implemented	Population(s) Served	Services Included	Total # of Children Receiving Services	Current Contract Dollar Amount	Length of Contract (In Month)	Level of Community Resource Development	Elements of Managed Care Present	# of Department Eliminated/ Transferred
<b>Homeward Bound-</b> Escambia and Santa Rosa Counties in District 1	1/1/92	Birth to age 18 in substitute care for first time, and children previously in program who have returned due to placement disruption	Foster care and reunification; some support services to extend that department funds are available; IV-E eligibility and legal remain w/department	142	\$972,441	12	Limited	No	None
<b>Family Services Coalition-</b> All of District 4	1/1/97	Children in foster care ages 12 to 17; youth 18 and over in independent living	Administrative services, assessment, group care, specialized and therapeutic foster care, and clinical services; IV-E eligibility and legal remain w/department	318	\$2,925,786	9	Limited, but expansion envisioned	Not presently, but planned (including utilization review and transfer of risk to the Family Service Coalition	5
<b>Sarasota County Coalition for Families &amp; Children-</b> Sarasota County in District 8	3 phases-1/1/97, (adoptions), 3/1/97 (foster care), and 6/2/97 (protective services)	All children in Sarasota County needing protective services, foster care, and adoption services	All services following investigation, IV-E eligibility and legal remain w/department	376	\$4,138,712	18	Extensive- approx. \$442,000 as of this writing	Capitate lump sum contract to serve however many children/ families are determined to need services (i.e., transfer of risk to the Coalition); planned use of managed care techniques on an individual child/family served basis	37.5
<b>Bridges Program-</b> Lake and Sumter Counties in District 13	3 phases-1/1/97, 2/1/97 (Sumter County added), and 3/31/97 (adoptions added)	All children entering care for the first time through the department's shelter care system	Assessment, family foster care, therapeutic foster care, group care, home-based services, and IV-E eligibility and legal presently are continuing w/department	88	Total dollar amount to be determined by number of children served at \$15,267 per child	Limited, but expansion planned	Limited, but expansion planned	Yes - case rate that is to be applied to each child served regardless of level of need; transfer of risk to the program	Gradual (i.e., as caseload of the Bridges Program grows) - 6 as of this writing
<b>TOTALS</b>				<b>924</b>					<b>48.5</b>



## REAL PROPERTY & PROBATE FACTS & FIGURES

### HOMES AND HOUSEHOLDS IN FLORIDA

Home ownership in Florida is higher than the national average. ("MSA" means Metropolitan Statistical Area)

#### HOME OWNERSHIP RATES, SELECTED: (% of households occupied by owner)

LOCATION	1993	1994	1995	1996
Florida	65.5	65.7	66.5	67.1
Ft. Lauderdale MSA	69.4	69.0	68.8	67.5
Jacksonville MSA	61.7	63.9	66.6	66.6
Miami MSA	51.6	51.4	50.9	51.9
Orlando MSA	60.2	59.6	61.7	66.5
Tampa- St. Petersburg- Clearwater MSA	66.9	66.0	68.1	68.0
United States	64.0	64.0	64.7	65.4

[Source: 1997 Florida Statistical Abstract, University of Florida]

#### HOME SALES AND MEDIAN SALES PRICE, existing single-family dwellings:

LOCATION	1994 SALES	1994 MEDIAN PRICE	1995 SALES	1995 MEDIAN PRICE	1996 SALES	1996 MEDIAN PRICE
Florida	120,817	\$86,200	121,533	\$87,900	128,515	\$91,800
Ft. Lauderdale	13,291	\$103,300	12,597	\$105,900	12,494	\$112,300
Jacksonville	7,317	\$84,500	7,591	\$84,000	8,497	\$90,200
Miami	11,240	\$102,600	10,172	\$107,100	10,794	\$112,700
Orlando	13,030	\$87,700	14,649	\$86,300	14,695	\$90,300
Tampa-St. Petersburg- Clearwater	23,620	\$75,300	24,811	\$78,100	26,143	\$81,100

[Source: 1997 Florida Statistical Abstract, University of Florida]

- ◆ Florida households are estimated to consist of **2.46 persons per household**, which would make Florida the **smallest of all the 50 states** in terms of household size.
- ◆ **80%** of Florida's population growth over the past 15 years has been due to **net migration** (people moving to Florida from other states), and **only 20% due to births** in the state.
- ◆ Florida ranks **49th among the 50 states** in percentage of residents who were **born in the state** (40.4%).

**ALL FLORIDA TAX ROLLS, MARKET VALUE OF PROPERTY:**

TYPE OF PROPERTY	DECEMBER 1994	DECEMBER 1995	DECEMBER 1996	DECEMBER 1997
Single Family Residential	\$278,438,326,099	\$295,763,874,620	\$311,227,474,305	\$332,945,822,655
Multi-Family Residential	28,888,601,062	29,711,485,509	31,080,547,789	32,712,556,524
Mobile Homes	10,134,897,617	\$10,516,700,340	10,859,557,334	11,364,241,176
Condominiums	79,138,991,794	83,098,741,145	87,428,184,737	92,832,530,451
Cooperatives	3,030,196,994	3,007,542,071	3,175,277,829	3,286,408,027
Retirement Homes & Misc. Residential	1,963,399,187	1,904,933,541	1,951,018,741	1,968,216,088
Commercial	86,735,359,182	88,623,268,742	91,498,713,274	96,910,386,157
Industrial	21,211,726,663	21,913,464,641	22,706,821,058	23,454,679,785
Agricultural	35,755,608,140	35,720,927,741	35,754,561,347	37,048,587,627
Institutional	16,233,222,079	17,161,684,937	17,938,947,530	18,771,336,428
Government	55,093,235,913	57,215,560,439	58,126,725,373	60,537,279,530
Leasehold Interest	951,523,350	840,950,663	849,899,601	1,412,979,002
Miscellaneous	4,823,782,046	4,959,546,216	4,546,993,684	4,545,846,735
Non-Agricultural Acreage	129,553,834	115,100,407	98,811,622	116,945,148
<b>TOTALS</b>	<b>\$622,528,423,960</b>	<b>\$650,553,781,012</b>	<b>\$677,243,534,224</b>	<b>\$717,907,815,303</b>

[Source: Florida Property Valuations &amp; Tax Data : Florida Department of Revenue]

**COMPARISONS**

	<b><u>FLORIDA</u></b>	<b><u>U.S.</u></b>
Median Mortgage Payment, Owner-occupied dwelling, 1990	\$718	\$737
Median Rent for apartments, 1996	\$588	n/a
Units in Licensed Apartments, Rental Condominiums, other Lodgings	1,231,386	n/a
Homeowner Vacancy Rate, 1997	2.5%	1.6%
Rental Vacancy Rate, 1997	9.5%	7.7%
All Home Sales, 1997	238,000	#3 in U.S.
Housing Units, 1995	6,654,000	#4 in U.S.
Growth in Number of Housing Units, 1990-1995	9.1%	5.6%
New Housing Units authorized, 1997	132,813	#1 in U.S.
Value of New Housing authorized, 1997	\$12,083,657,000	#2 in U.S.
Mobile Home and Trailers, 1990	821,048	#1 in U.S.

[Source: State Rankings, 1997, Morgan Quitno Press; Florida Statistical Abstract, 1997]

**CONDOMINIUMS** - As of May 31, 1998, there are 18,770 condominium projects regulated by the state, containing 995,764 units. There are 15,306 active owners' associations.

**COOPERATIVES** - As of May 31, 1998, there are 781 cooperative projects regulated by the state, containing 67,609 units, and governed by 779 active owners' associations.

**TIMESHARES** - The state regulates 445 timeshare plans in the state, with 392 managing entities and 3,057 licensed solicitors. The timeshare plans market approximately 1,118,450 "periods", or weeks of occupancy of a condominium or other kind of resort.

**LAND SALES** - The state regulates 125 developers, who market land in 709 subdivisions.

**MOBILE HOMES** - There are approximately 563,000 mobile homes and 197,000 recreational vehicles registered in Florida. Of this number, approximately 320,000 are located in the 2,700 mobile home parks regulated by the state.

[Source: Department of Business & Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes]

## PROBATE & GUARDIANSHIP COURT FILINGS & DISPOSITIONS

New case filings have been increasing slowly in this area, but there was a large increase in cases to adjudicate incompetency for mental incapacity last year, while substance abuse incompetency cases actually declined. Trust cases continue to run at about twice the level of a few years ago, perhaps due to the popularity of trusts as estate planning and tax minimization vehicles.

### CIRCUIT COURTS - STATEWIDE CASE FILINGS (Top Number) and CASE DISPOSITIONS (Lower Number)

Type of Case	1994	1995	1996	1997
Probate	49,138 (48,317)	49,189 (47,386)	50,652 (43,942)	51,921 (48,051)
Guardianships	8,639 (7,147)	8,519 (8,358)	8,869 (18,612)	8,569 (11,487)
Trusts	446 (332)	424 (177)	930 (505)	994 (611)
Baker Act (incompetency)	15,083 (15,609)	14,921 (14,248)	15,884 (14,472)	19,424 (17,620)
Substance Abuse (incompetency)	4,080 (5,029)	4,510 (4,351)	4,953 (4,701)	4,461 (4,257)
Other Social	4,904 (5,581)	4,990 (4,617)	5,079 (4,695)	4,899 (4,241)
<b>TOTALS</b>	<b>82,290</b> <b>(82,015)</b>	<b>82,553</b> <b>(79,237)</b>	<b>86,367</b> <b>(86,927)</b>	<b>90,268</b> <b>(86,267)</b>

[Source: Office of State Courts Administrator]

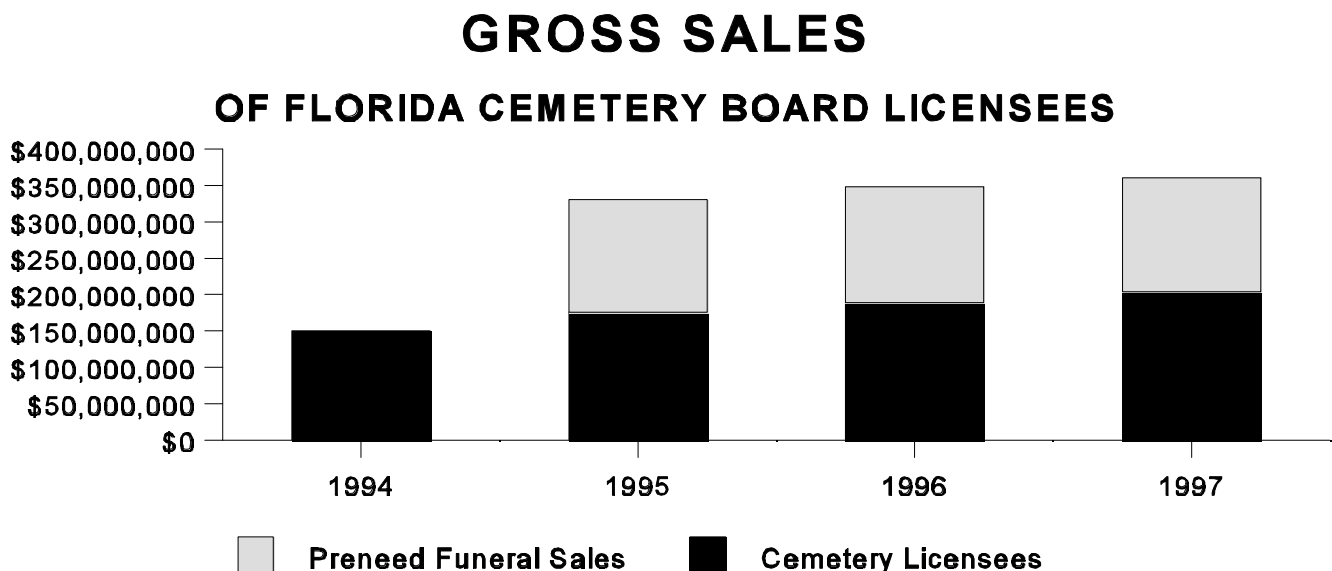
## FLORIDA'S POPULATION IS GROWING OLDER

Florida has the **second highest median age** in the United States (37.6); the **highest percentage** of population **65 years and older** (18.5%); the **highest per capita Social Security payments**; and the highest percent of population enrolled in Medicare (18.4%). By comparison, Florida's percentage of **population age 17 and under ranked 47th out of the 50 states** in 1996. The portion of our population **over the age of 85 is the fastest growing** group in Florida, with estimated growth of 24% from 1990-1995, and projections of 28.9% growth from 1995-2000 and 21% growth from 2000-2005.

Floridians born before 1961 have a lower life expectancy than the national average, while those born after 1961 have a higher life expectancy. There are more people suffering from Alzheimer's disease in Florida alone than there are persons suffering from AIDS in the entire United States. There are approximately **640 private nursing homes** in Florida, with **beds for 77,000 residents**; they employ over **80,000 staff**, with an **annual payroll of over \$125 million** and annual **gross revenues** of over **\$3.3 billion**. For persons requiring a less intensive level of care, there are approximately **2,000 Assisted Living Facilities**, with **67,000 beds**.

## FLORIDA BOARD OF FUNERAL AND CEMETERY SERVICES

The Real Property & Probate Committee approved HB 3763 by Rep. Crist, which passed both houses and became ch. 98-268, Laws of Florida. The bill requires the Board of Funeral and Cemetery Services to make rules setting **minimum standards for care and maintenance** of the physical facilities at cemeteries, and to **set standards for mausoleums** to assure their durability and permanence. The bill also sets up a **Task Force** to study problems affecting cemeteries in Florida, principally abandoned and neglected cemeteries, which are estimated to number over half of the **2,000 unlicensed cemeteries in the state**. The Board regulates commercial cemeteries in Florida, as well as "pre-need providers", who sell funeral and burial or cremation services and merchandise to consumers who wish to make those arrangements before death. For the first time in Florida history, cremations outnumbered burials. Of the **155,645** persons who died in Florida in 1997, **65,810 were cremated**, **63,682 were buried**, and **25,232 were shipped out of state** for final disposition. The chart below shows gross sales by Board licensees, and the following table recaps Board activities.



## FLORIDA BOARD OF FUNERAL AND CEMETERY SERVICES

### Table of Activities

	1994	1995	1996	1997
Cemetery Licensees	169	169	169	169
Gross Sales, Cemetery Licensees	\$150,429,635	\$175,393,887	\$188,732,536	\$204,247,242
Applications, New Cemetery	0	2	5	2
Applications, Transfer of Cemetery License	12	26	10	5
Preneed Funeral Sales Certificates of Authority (COA) in force	n/a	336	348	311
Gross Sales, COAs	n/a	\$155,023,937	\$159,419,439	\$156,124,368
Applications, New COAs	36	68	50	30
Applications, New Preneed Salespersons	2,215	2,059	2,719	2,668
Preneed Contract forms submitted for approval	63	39	48	65
Preneed Trust Agreements	89	89	30	17
Examinations	24	276	129	n/a
Probable Cause Panels/Cases	2/14	8/86	7/65	3/14
Court cases	8	38	67	39
Citations	0	0	12	3
Notices of Noncompliance	0	0	17	1
Rules Promulgated	26	16	1	10

[Source: Florida Board of Funeral and Cemetery Services]

## CONSOLIDATION AND COMPETITION IN THE DEATH CARE INDUSTRY

According to a cover story in *U.S. News & World Report* (March 23, 1998), large corporations are coming to dominate the country's \$25 billion funeral industry. The **three largest chains own 15%** of the funeral homes in the U.S., and perform about **20% of the funerals**. No figures are available as to pre-need providers or cemeteries **in Florida**, but it is estimated that **30%** of the 816 funeral homes in the state, controlling **42% of the business**, are owned by the chains. In the **seven largest counties** of the state, containing **53% of the population**, it is estimated that **39%** of the funeral homes, controlling **51% of the sales**, are owned by the corporations. Since there is no way for a consumer to know whether a given provider is independent or affiliated with other providers, there is concern that competition may be stifled.

[Sources: *U.S. News & World Report*, *supra*; Funeral Industry Consultants, Inc., *The Statistics Book: 1997 Florida*.]

# **APPROPRIATIONS FACTS & FIGURES**



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## OVERVIEW

### Conference Report on House Bill 4201

**1998-99**

### General Appropriations Act

#### The Florida Legislature

House Fiscal Responsibility Council  
Senate Committee on Ways & Means

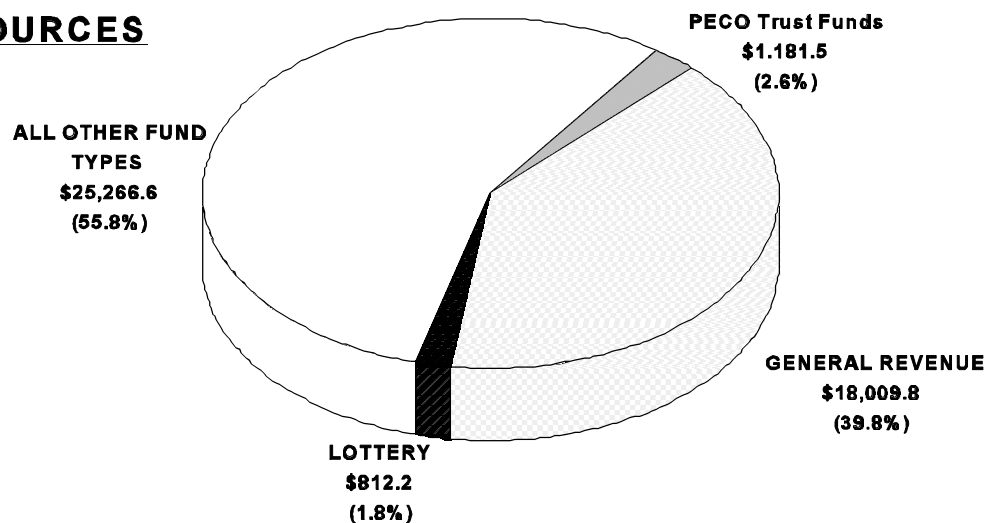
April 21, 1998

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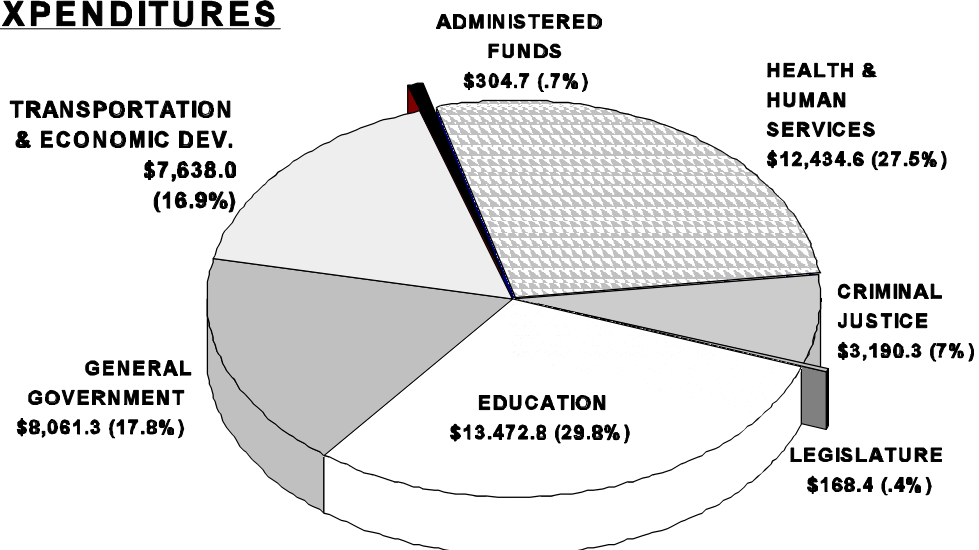


## 1998-99 Funding \$45,270.1 Million

### FUND SOURCES



### EXPENDITURES



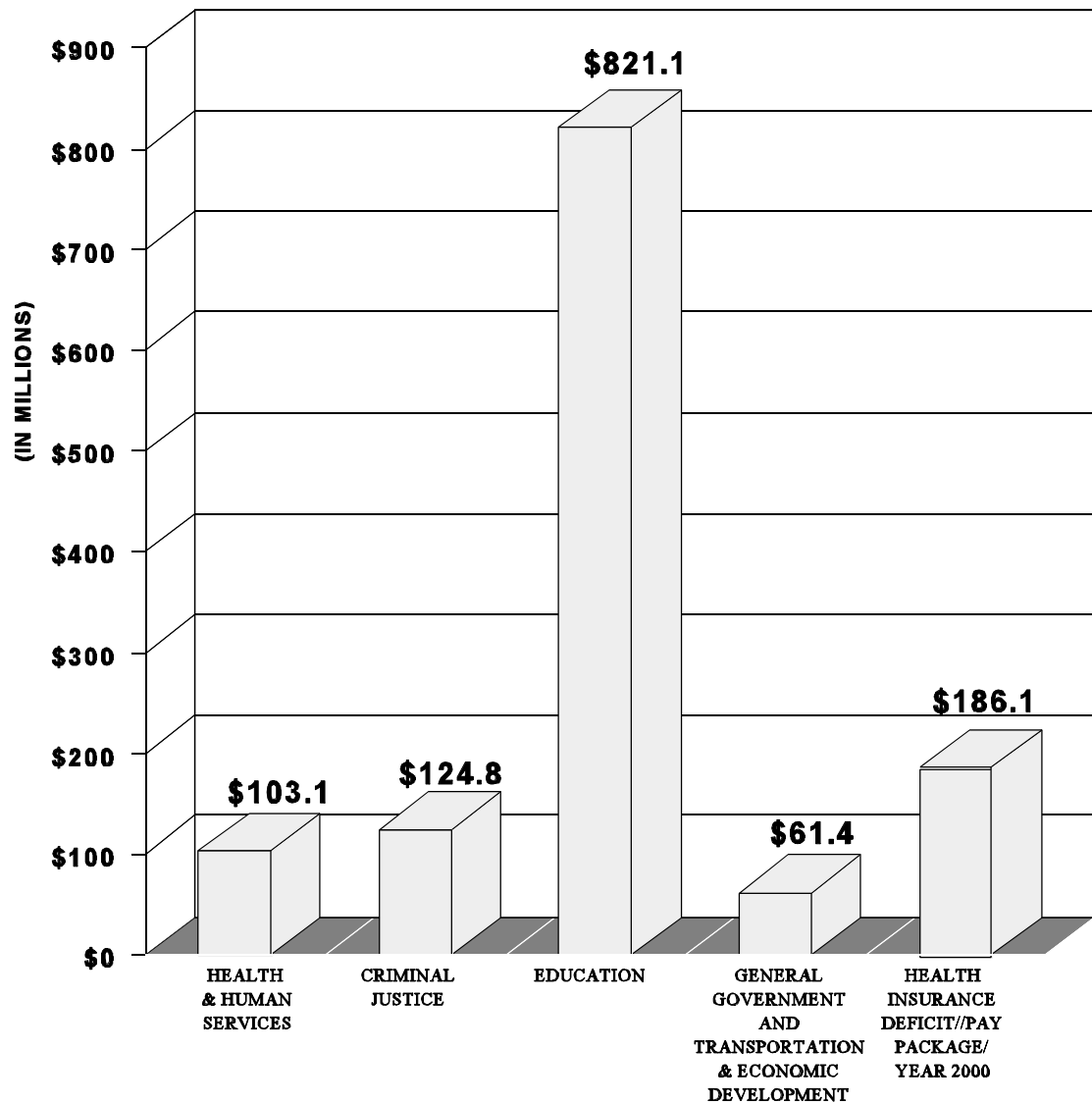
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## 1998-99 Budget Priorities

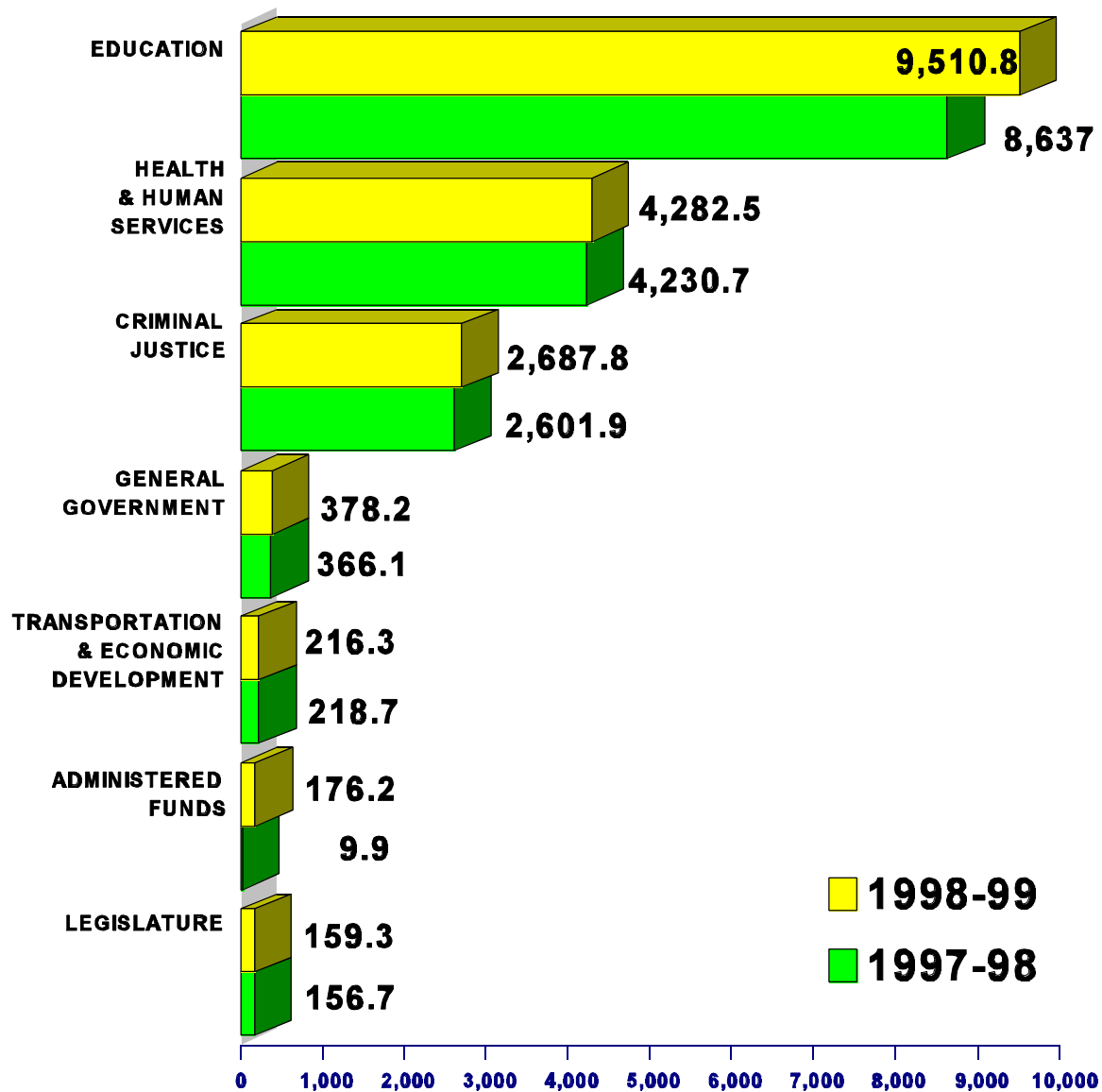
- u **SAVE FOR THE FUTURE**
  - u **Over \$800 Million in Tobacco Settlement and Anti-Smoking Funds Set Aside**
  - u **\$100 Million Deposited in the Budget Stabilization Fund**
  - u **\$200 Million Rainy Day Fund**
  - u **\$250 Million TANF Trust Fund Appropriated As a Reserve**
- u **RETURN SURPLUSES TO TAXPAYERS**
  - u **A Minimum of \$100 Million Reserved for Programs to Return Surpluses to Taxpayers**
- u **PRIORITIZE FOR BEST VALUE**
  - u **\$125 Million in Reductions From Cost-Saving Measures**
- u **INVEST IN CLASSROOMS**
  - u **Over \$821 Million More General Revenue for Education Than the 1997 Budget**
  - u **\$632 Million New PECO Funds for Education Facilities**

## TOTAL GENERAL REVENUE IMPACTS OVER 1997-98 GENERAL APPROPRIATIONS

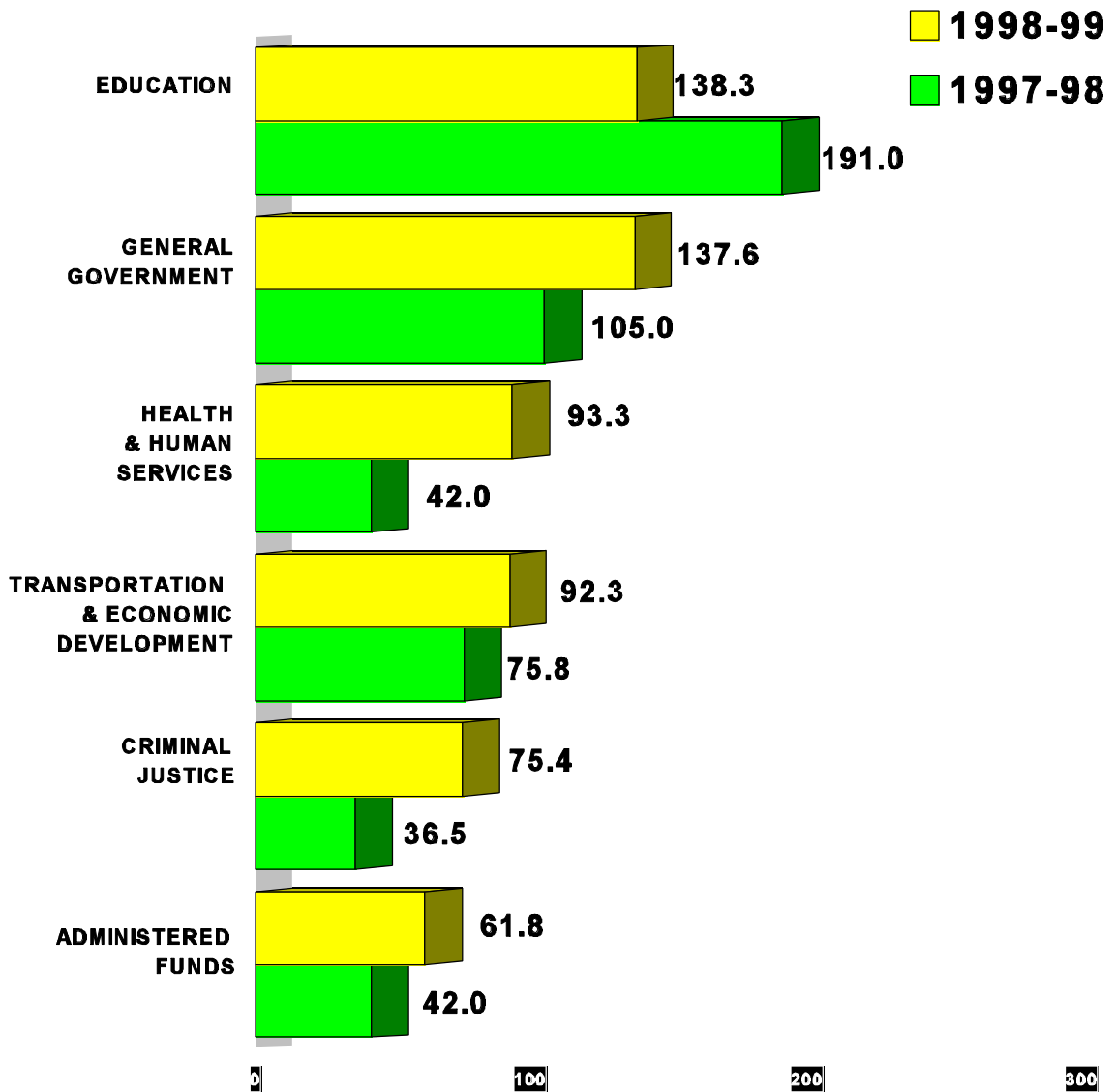
(\*After Distribution of Administered Funds)



## WHERE THE RECURRING GENERAL REVENUE WAS SPENT



## WHERE THE NON-RECURRING GENERAL REVENUE WAS SPENT



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## EDUCATION

### Total Appropriations: \$13,472.8 million

- u Fully Funded Student Enrollment Growth of 59,234 students or 2.58%
- u Provides an additional \$734 million in total funds for public school operations (7.04 % increase)
- u Provides 4.56% increase in funds per weighted FTE
- u Sparsity funded at \$30 million.
- u Provides Minimum Guarantee funds at 1.00% over last year
- u Outstanding Teacher funded at \$26 million; Excellent Teacher \$12 million
- u Teachers Lead funded at \$13 million or \$100 per teacher
- u Workforce Development funding guaranteed at last year's level
- u Provided \$18.5 million for new and expanding Workforce Development Programs
- u Overall increase of 7.92% (\$36.3 million) in state appropriations
- u Total Increase in Community College operating funds of \$51.2 million (includes \$15.5 in fee increases and \$5.2 in retirement savings)
- u \$23.6 million for Community College Matching Grant Programs (\$7.9 million or 51% increase)
- u Provided access to the State University System for 2,583 FTEs: \$22.9 million
- u Increased library resources by \$7.2 million
- u Restored funding for the operations and maintenance of buildings on campus: \$7.5 million
- u Provided funding for the Comprehensive University Presence: \$4.8 million
- u Funded matching programs
  - u Challenge Grant Program - \$40.5 M
  - u Facilities Enhancement Challenge Grant Program - \$12.5

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## **HEALTH & HUMAN SERVICES**

**Total Appropriation: \$12,434.6 million**

- u \$245 Million for the Children's Healthy Bodies Program. (\$75 Tobacco and \$170 Million in Title XXI)**
- u \$81.6 Million for Child Care for the Working Poor**
- u \$42.4 Million for Child Welfare Issues Including 200 New FTE'S**
- u \$20.0 For Services to the Developmentally Disabled**
- u \$7.7 Million for Medicaid Nursing Home Reimbursement Reform**
- u \$10.2 Million for Medicaid Dental Services Fee Increase**
- u \$10.5 Million for Electronic Benefits Transfer (EBT) Program**
- u \$6.0 Million for Equity Funding for County Health Departments**
- u \$12.0 Million for Alcohol, Drug Abuse and Mental Health Funding for TANF Participants**
- u \$10.7 Million for Medicaid Waiver for the Elderly in the Community**
- u \$7.0 Million for the Women, Infant and Children's Program (WIC)**
- u \$14.0 Million for Aids Drugs**
- u \$87.9 Million for Construction Such As County Health Departments, Other Health Related Buildings, Senior Centers and a New Veteran's Nursing Home**

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## **CRIMINAL JUSTICE**

**Total Appropriations: \$3,190.3 million**

- u \$2.6 Million for Operational Funding for 332 New Juvenile Justice Commitment Beds**
- u \$24 Million for Construction of 415 New Juvenile Justice Commitment and Detention Beds**
- u \$8 Million for Juvenile Justice Prevention Programs**
- u \$21 Million for Critical Maintenance and Renovations in Juveniles and Adult Corrections Facilities**
- u \$52 Million for Construction for 806 New Prison Beds; in Addition, Provided Start-up Funding for an Additional 3,297 Beds**
- u \$9 Million for Prison Security Enhancements**
- u \$10 Million for State Attorney and Public Defender Workload and Critical Information System Needs**
- u \$14 Million for State Court Enhancements**
- u \$1 Million for Capital Collateral Representatives Regional Offices**
- u \$5 Million for Law Enforcement Training**



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## **GENERAL GOVERNMENT**

**Total Appropriations: \$8,061.3 million**

- u \$300 Million to Purchase Environmentally Sensitive and Endangered Lands Through Preservation 2000**
- u \$34.5 Million for Statewide Beach Projects**
- u \$21.7 Million for the Surface Water Improvement Projects**
- u \$17 Million for Aquatic and Upland Exotic Plant Control**
- u \$18.8 Million to Leverage \$94 Million in Federal Match Funds for Local Governments Through the Wastewater Treatment Revolving Loan Program and New Drinking Water Facility Construction Revolving Loan Program**
- u \$15.7 For Small County Wastewater Treatment Grants**
- u \$11.5 Million to Fully Fund the Florida Recreation Development Assistance Grants (FRDAP) Program for Local Parks Development, Plus \$7 Million for Additional Statewide Parks Projects**
- u \$16 Million to Continue Enhanced Child Support Enforcement Efforts and Meet Federal Welfare Reform Requirements**
- u \$47.4 Million for Phase III Implementation of the Statewide Law Enforcement Radio System**
- u \$120.8 Million General Revenue for a State Employee Pay Package**
- u \$113.8 Million General Revenue for the Deficit in the State Employee's Health Insurance Program**

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**TRANSPORTATION & ECONOMIC  
DEVELOPMENT**  
**Total Appropriations: \$7,638.0 million**

- u \$3.08 Billion for DOT'S Work Program**
- u \$47 Million for High Speed Rail (Contingent on Financing Guarantees)**
- u \$65.7 Million for OTTED Directed and Enterprise Florida Related Economic Development Activities**
- u \$22 Million for Tourism Florida**
- u \$14.4 Million to Fully Fund Historic Preservation Grants**
- u \$15 Million to Fully Fund the Cultural Facilities Grants**
- u \$1.9 Million for the Cultural Endowment Program**
- u \$ 1.7 Million in Additional Funds for State Aid to Libraries**
- u \$6.8 Million for Continuation of Wages Program**
- u \$1.4 Million and 28 Community Service Officers Are Funded to Aid Uniform Patrol in Non-Criminal Investigations and Public Assistance**
- u \$145 Million for Continuation of *WAGES* Program**

**1998-99 COURT SYSTEM BUDGET**

<b>Budget Positions</b>	<b>1997-98 Budget</b>	<b>1998-99 Requested Funding</b>	<b>Governor's Recommendation</b>	<b>House &amp; Senate Final Budget</b>
Supreme Court Budget Positions	\$14.8 196	\$18.5 218	\$16.1 196	\$17.2 204
DCA's Budget Positions	\$30.0 403	\$34.8 421	\$32.4 409	\$32.5 417
Circuit Courts Budget Positions	\$119.9 1,519	\$154.7 1,879	\$131.0 1,558	\$132.9 1,575
County Courts Budget Positions	\$45.0 526	\$47.6 536	\$47.5 536	\$47.1 536
State Attorneys Budget Positions	\$237.0 4,965	\$400.0 7,703	\$253.9 5,115	\$252.0 5,176
Public Defenders Budget Positions	\$119.1* 2,406	\$153.9 2,819	\$125.0 2,416	\$125.3 2,491
CCR Budget Positions	\$4.6 77	\$11.3 124	\$5.8 100	\$6.3 93

[Source: House Fiscal Responsibility Council]

All figures are in millions of dollars.

\* The public defender budgets include both trial and appellate operations.

**FLORIDA/JUDICIAL BUDGETS**

<b>YEAR</b>	<b>STATE BUDGET (in billions)</b>	<b>COURT BUDGET (in millions)</b>	<b>STATE ATTORNEY (in millions)</b>	<b>PUBLIC DEFENDER (in millions)</b>
<b>1987-88</b>	18.5	120.1	116.7	59.2
<b>1988-89</b>	21.3	140.0	131.1	66.4
<b>1989-90</b>	23.2	144.2	150.9	73.7
<b>1990-91</b>	27.7	155.2	165.4	80.0
<b>1991-92</b>	28.9	160.5	163.3	83.5
<b>1992-93</b>	31.7	163.4	163.5	84.4
<b>1993-94</b>	35.5	168.4	171.7	86.7
<b>1994-95</b>	38.8	179.9	191.1	88.2
<b>1995-96</b>	39.1	192.5	209.9	97.3
<b>1996-97</b>	39.8	199.9	223.3	112.4
<b>1997-98</b>	42.4	209.7	237.0	119.1
<b>1998-99</b>	45.3	229.7	252.0	125.3

**CAPITAL COLLATERAL REPRESENTATIVE  
YEARLY BUDGET**

<b>YEAR</b>	<b>BUDGET</b>
1987-88	\$1,411,109
1988-89	\$1,614,019
1989-90	\$1,698,270
1990-91	\$2,030,723
1991-92	\$2,019,807
1992-93	\$2,069,343
1993-94	\$2,982,157
1994-95	\$3,043,812
1995-96	\$3,119,437
1996-97	\$4,970,520
1997-98	\$4,506,654
1998-99	\$6,262,524*

\*Includes \$500,000 appropriated in substantive bill.

# **JUSTICE COUNCIL BILLS THAT BECAME LAW**



**COMMITTEE ON CIVIL JUSTICE & CLAIMS:****CS/CS/HB 0071 -- Journalist's Privilege****[CHAPTER LAW: 98-48]****by Civil Justice & Claims and Rep. Rojas** (Passed as CS/SB 0150 by Sen. Sullivan)

Codifies and expands the journalist's privilege. Shields journalists from compelled disclosure of sources and other information during judicial proceedings and investigative hearings.

- Establishes a qualified privilege for journalists pertaining to information obtained while gathering news.
- Restricts application of the privilege to traditional journalists and does not protect book authors and others.
- States that the privilege does not apply to physical evidence, eyewitness observations, or visual or audio recordings of crime.
- Provides an exception whereby the qualified privilege could be overcome by a clear and specific showing that: (1) the information is relevant to a pending issue, (2) the information is not available from other sources, and (3) a compelling interest supports disclosure.
- Establishes that publication of information does not result in waiver of the privilege.
- Provides guidelines for the authentication of evidence produced or provided by a professional journalist.

The effective date of this bill is upon becoming a law.

**CS/HB 0935 -- Legal Process****[CHAPTER LAW: 98-410]****by Civil Justice & Claims and Rep. Warner** (CS/SB 1244 by Judiciary and Sen. Burt)

Amends six sections of the statutes relating to service of legal process and the rate of interest on judgments. Adds some clarifying language and technical modifications to these sections.

- Broadens the options for substitute service on sole proprietors.
- Delineates the authority of the chief judge of each judicial circuit related to the list of certified process servers.
- Allows certified process servers to serve processes originating outside the circuit.
- Fixes the rate of interest at the time a judgment is entered, which relieves the sheriffs of certain duties connected with processes, writs, judgments, and decrees that do not contain the applicable rate of interest.
- Allows the government to apply surpluses derived from executions toward satisfying junior writs.
- Under certain circumstances, requires the plaintiff to deliver a written demand for payment, before an officer could be held liable for failing to pay over money derived from an execution.

The effective date of this bill is October 1, 1998.

**CS/HB 1597 -- Evidence/Hearsay****[CHAPTER LAW: 98-2]****by Civil Justice & Claims and Rep. Thrasher** (CS/SB 1830 by Sen. Horne (1997 session); see also CS/SB 0874 by Rules & Calendar and Sen. McKay)

Overrides the Governor's veto of this bill following the 1997 session of the Legislature. Provides hearsay exceptions under circumstances where the availability of the declarant is immaterial.

- Broadens the scope of evidence admissible under the "former testimony" exception to the hearsay rule.
- Allows the use of former testimony if the party against whom the testimony is being offered, or the party's predecessor in interest, or a person with a similar interest, had an opportunity and similar motive to develop the testimony.

The effective date of this bill is 60 days after adjournment of the 1998 session of the Legislature (07/01/98).

**HB 1749 -- Law Day/Law Week**  
**by Rep. Crow** (SB 0928 by Sen. Campbell)

[CHAPTER LAW: 98-23]

Establishes Law Day and Law Week as holidays designed to commemorate the role of law in society.

- Designates May 1 as Law Day.
- Designates the days preceding May 1, beginning with Sunday and ending on the Saturday following May 1, as Law Week. Specifies that in the event May 1 occurs on a Sunday, Law Week would begin May 1 and terminate on the following Saturday.

The effective date of this bill is upon becoming a law.

**HB 3271 -- Grand Juries/Members**  
**by Rep. Lippman** (SB 0950 by Sen. Campbell)

[CHAPTER LAW: 98-222]

- Increases the maximum size of a grand jury from 18 to 21 persons. Makes a technical, grammatical change to the statute.

The effective date of this bill is July 1, 1998.

**HB 3303 -- County Court Assessments**  
**by Rep. Brown** (Passed as SB 0200 by Sen. Klein; see also CS/CS/HB 1589 and CS/SB 2086)

[CHAPTER LAW: 98-84]

Authorizes a county to assign the collection of past due fines and court costs to a private attorney or collection agency. The attorney must be a member in good standing of The Florida Bar. The collection agency must be licensed or registered in the state.

- Requires the board of county commissioners to determine whether an assignment would be cost-effective and requires adherence to established bid practices.
- Allows the county to add a fee to the past due balance to offset collection costs. This fee may not exceed 40 percent of the total fines and costs owed.

The effective date of this bill is July 1, 1998.

**CS/HB 3419 -- Jury Districts/Boundaries**  
**by Civil Justice & Claims and Rep. Minton** (Passed as CS/SB 0552 by Judiciary and Sen. Klein)

[CHAPTER LAW: 98-98]

Revises the method for creating jury districts in counties with populations that exceed 50,000.

- Permits the creation of jury districts by the chief judge acting with the approval of a majority of the county commissioners.
- Either the chief judge or a majority of the county commissioner may initiate the creation of jury districts.

The effective date of this bill is upon becoming a law.

**HB 4143 -- Emergency Telephone Services/ "911"**  
**by Rep. Edwards and others** (CS/SB 2164 by Judiciary and Sen. Latvala)

[CHAPTER LAW: 98-226]

The bill adds commercial mobile radio service providers, also known as wireless/cellular telephone service providers, to the existing provisions on limitation of liability in connection with the provision of "911" services.

- Establishes that a commercial mobile radio service provider may not be liable for damages in connection with "911" service unless it acted with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.
- Provides that a commercial mobile radio service provider may not be liable for damages connection with the rendering of assistance to any investigative or law enforcement officer of the government unless it acted in a wanton and willful manner.

The effective date of this bill is upon becoming a law.



**HB 4749 -- Medical Malpractice Insurance (NICA)****[CHAPTER LAW: 98-113]**

**by Civil Justice & Claims, Rep. Byrd and others** (Passed as CS/SB 1070 by Judiciary and Sen. Sullivan; see also CS/HB 823, CS/SB 1056, SB 1768)

Provides that the determination of whether a claim is covered under The Florida Birth-Related Neurological Injury Compensation Plan (NICA) must be determined exclusively by an administrative proceeding.

- Permits the hospital or the participating physician to give the obstetrical patient a NICA notice form and have the patient sign a form acknowledging receipt. The patient's signature creates a rebuttable presumption that the notice requirements have been met.
- Provides that the doctrines of res judicata and collateral estoppel may not bar future civil actions. Establishes that findings of fact by an administrative law judge are not admissible in subsequent civil actions. Provides that any person's sworn testimony and any of the exhibits introduced into evidence in the administrative proceeding, are admissible in a subsequent civil action for the purpose of impeaching a party to the administrative action.
- Limits NICA to investing association money in investments and securities described in s. 215.47, F.S.

The effective date of this bill is July 1, 1998, except as otherwise provided.

**SB 0898 -- Postconviction/Capital Cases****[CHAPTER LAW: 98-194]**

**by Sen. Burt** (see CS/HB 3175 by Crime & Punishment and Rep. Crist)

Repeals Rule 3.852 of the Florida Rules of Criminal Procedure, thereby abolishing the public records discovery rules relating to postconviction proceedings established by the Florida Supreme Court in October 1996.

The effective date of this bill is October 1, 1998.

**CS/SB 1328 -- Capital Collateral Proceedings****[CHAPTER LAW: 98-197]**

**by Criminal Justice and Sen. Burt**

Provides for the representation of certain death-sentenced defendants by attorneys in private practice instead of state-employed attorneys with the Capital Collateral Regional Counsel (CCRC).

- Would permit the CCRC to continue to represent current clients; however, attorneys in private practice would be appointed to represent death-sentenced defendants who were previously represented by private counsel and who are not represented at the time this bill becomes law.
- Requires the Justice Administration Commission (JAC) to maintain a registry of attorneys who are statutorily qualified to represent defendants in postconviction capital collateral proceedings.
- Provides that the Attorney General would notify the JAC when ninety-one (91) days have elapsed since the Florida Supreme Court issued a mandate on a direct appeal, or when the U.S. Supreme Court has denied a petition for certiorari, or when a person under a death sentence who was previously represented by private counsel is currently unrepresented in a postconviction capital collateral proceeding. Upon notification by the Attorney General, the JAC would immediately notify the trial court that imposed the death sentence and the judge would then appoint private counsel from the registry.
- Provides a schedule of fees for the payment of private counsel and investigators.

The effective date of this bill is July 1, 1998.

**CS/SB 1330 -- Capital Cases/Administration****[CHAPTER LAW: 98-198]**

**by Criminal Justice and Sen. Burt** (see HB 4521 by Rep. Alexander and others)

Requires the Secretary of State to establish and maintain a records repository for the purpose of archiving capital postconviction records.

- Requires the state attorney, local law enforcement agencies, and the Department of Corrections to submit to the repository all relevant public records produced in a death penalty case. Requires other agencies to submit records relevant to the case.

- Requires postconviction counsel to review the records in the repository and file a written demand for additional agency records within 90 days of appointment. If the agency objects to the demand, the trial court must resolve the dispute within 30 days. The trial court may only order additional records production if it makes specific findings.
- Prohibits postconviction counsel from making any additional public records requests. However, if postconviction counsel can, through an affidavit, establish that the agency still possesses relevant public records, the trial court may order them produced under certain circumstances.
- Provides that postconviction counsel must give written notification of each pleading filed and the name of the person filing the pleading to the Commission on the Administration of Justice in Capital Cases and to the trial court assigned to the case. Provides that a notice of hearing must be filed with each pleading with the court in a capital case.

The effective date of this bill is October 1, 1998.

### **CLAIM BILL SUMMARIES**

**HB 0653 -- Relief/Dena Sheryl Steels/Leon Co.**  
**by Rep. Lawson** (SB 0038 by Sen. Thomas)

**[CHAPTER LAW: 98-457]**

- This is an excess judgment/settlement for \$200,000 to compensate for the wrongful death of her son, resulting from negligence of the City of Tallahassee & Leon County School Board.
- The City of Tallahassee and the Leon County School Board are directed to draw funds each in the amount of \$100,000 not otherwise appropriated.

This act shall take effect upon becoming law.

**HB 0939 -- Relief/Dale R. Cowie/DMS**  
**by Rep. Melvin** (Passed as SB 0020 by Sen. Clary)

**[CHAPTER LAW: 98-457]**

- This is an equitable claim for \$15,401.77, against the Department of Management Services to compensate Claimant for expenses incurred in performing work as a subcontractor on the Jackson Correctional Institution Project.
- The funds are to be drawn from General Revenue.

This act shall take effect July 1 of the year in which enacted.

**HB 0941 -- Relief/Ray Construction/DOR**  
**by Rep. Melvin** (Passed as SB 0018 by Sen. Clary)

**[CHAPTER LAW: 98-427]**

- This is an equitable claim for \$18,230.46, against the State of Florida, Department of Revenue to compensate claimant for excess documentary stamp assessments.
- The funds are to be drawn from General Revenue.

This act shall take effect July 1, of the year in which enacted.

**HB 1711 -- Relief/Michelle Ponce/Dade Co.**  
**by Rep. Rojas** (Passes as SB 0006 by Sen. Meadows)

**[CHAPTER LAW: 98-432]**

- This is an excess judgment claim/consent judgment for \$410,000, against Metropolitan Dade County to compensate her for injuries and damages sustained as a result of negligence.
- The Metropolitan Dade County is directed and authorized to appropriate from funds of the county not otherwise appropriated.

This act shall take effect upon becoming law.

**HB 1713 -- Relief/Frank H. Holliday/Manatee County  
by Rep. Sembler** (Passed as SB 0044 by Sen. Turner)**[CHAPTER LAW: 98-443]**

- This is an equitable claim/settlement for \$235,000 between Manatee County and the claimant for injuries and damages sustained as a result of negligence of Manatee County Sheriff's Department.
- The Sheriff's Department is authorized and directed to appropriate from funds of the department not otherwise appropriated.

This act shall take effect upon becoming law.

**HB 1717 -- Relief/Lazaro Gutierrez/Dade County  
by Rep. Lippman** (Passed as SB 0016 by Sen. Turner)**[CHAPTER LAW: 98-435]**

- This is a Consent Judgment/Settlement for \$2,973,246 between Dade County School Board and the claimant for injuries and damages sustained as a result of negligence.
- The Dade County School Board is authorized and directed to appropriate from funds of the school board not otherwise appropriated.

This act shall take effect upon becoming law.

**HB 1767 -- Relief/Heather Roszell/State of Florida, Board of Regents & Hillsborough County Hospital  
by Rep. Murman** (Passed as SB 0008 by Sen. Grant)**[CHAPTER LAW: 98-433]**

- This is an equitable claim/settlement for \$3,550,000 between State of Florida, Board of Regents, Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital, and the claimant for injuries and damages sustained as a result of negligence.
- The Board of Regents is authorized to direct the expenditure from the university of South Florida Self-Insurance Program Accounts.
- Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital, is authorized and directed to appropriate funds of the district not otherwise appropriated.

This act shall take effect July 1, 1998.

**HB 1769 -- Relief/Tirini S. Riley/Broward Co.  
by Rep. Bradley** (Passed as SB 0014 by Sen. Forman)**[CHAPTER LAW: 98-434]**

- This is an excess judgment/consent claim for \$1,000,000, against Broward Co. for injuries sustained out of an accident that occurred while she was a patient of the Hospital.
- South Broward Hospital District, d/b/a Memorial Hospital, is authorized and directed to appropriate from funds of the hospital district not otherwise appropriated.

This act shall take effect July 1, 1998.

**HB 1771 -- Relief/Juan A. Garcia, Jr./City of Miami Beach  
by Rep. Villalobos** (SB 0004 by Sen. Forman)**[CHAPTER LAW: 98-458]**

- This is an excess judgment claim/consent judgment/settlement, against the City of Miami Beach for \$1,050,000, for injuries and damages sustained as result of negligence of the City of Miami Beach.
- The City of Miami Beach is authorized and directed to appropriate from funds of the city not otherwise appropriated.

This act shall take effect upon becoming law.

**HB 1881 -- Relief/David Kelley and the Estate of Alto Kelley/DOT  
by Rep. Ritter** (Passed as CS/SB 0002 by Transportation and Sen. Childers)**[CHAPTER LAW: 98-425]**

- This is an equitable claim/settlement for \$1,400,000, appropriated from the State Transportation Trust Fund to the Florida Department of Transportation.

This act shall take effect July 1, 1998.

**HB 2135 -- Relief/Franklin Messick/Collier Co.****[CHAPTER LAW: 98-438]****by Rep. Saunders** (Passed as SB 0030 by Sen. Saunders)

- This is equitable claim for \$101,639.55, against Collier County, for wrongful death of his son, Arthur D. Messick, which occurred as a result of the negligence of Collier County.
- Collier County is directed to appropriate from funds of the County not otherwise appropriated.

This act shall take effect upon becoming law.

**HB 3025 -- Relief/Triesa Wells/Pembroke Pines****[CHAPTER LAW: 98-436]****by Rep. Ritter** (Passed as SB 0022 by Sen. Campbell)

- This is an Equitable Claim/Settlement for \$499,000, against the City of Pembroke Pines, to compensate the claimant for injuries which she suffered when her vehicle was struck by a City of Pembroke Pines Police Vehicle.
- The City is directed to appropriate from funds of the city not otherwise appropriated.

This act shall take effect July 1, 1998.

**HB 3027 -- Relief/Kathryn Malloy/Palm Beach****[CHAPTER LAW: 98-439]****by Rep. Silver** (Passed as SB 0032 by Sen. Silver)

- This is a claim for \$86,050 for Kathryn Malloy (Sperdute) for injuries suffered in an accident that was caused by negligence of an employee of Palm Beach County School Board.
- Palm Beach County School Board is authorized and directed to appropriate out of funds of the school board not otherwise appropriated.

This act shall take effect July 1, 1998.

**CS/HB 3029 -- Relief/Carrie A. Wilson/Duval County****[CHAPTER LAW: 98-441]****by Civil Justice & Claims and Rep. Thrasher** (Passed as SB 0036 by Sen. Horne)

- This is an excess judgment claim for \$1,150,000, for permanent injuries sustained when she injured her left leg and foot while she was a student at Dupont Middle School in Jacksonville.
- Duval County School Board is authorized and directed to appropriate the amount of \$1,150,000 to compensate for injuries sustained due to negligence of the School Board. The balance of \$1,150,000 shall be paid in four equal annual installments commencing 30 days after enactment.

This act shall take effect upon becoming law.

**CS/HB 3031-- Relief/Adela Azcuy/Metro Dade County****[CHAPTER LAW: 98-437]****by Civil Justice & Claims and Rep. Barreiro** (Passed as SB 0026 by Sen. Turner)

- This is an excess judgment claim for \$144,000 for injuries suffered as result of negligence of Dade County.
- The appropriate financial authority for Metropolitan Dade County is directed to appropriate a warrant in favor of Adela Azcuy.

This act shall take effect July 1, 1998.

**CS/HB 3035 -- Relief/Freddie Pitts & Wilbert Lee/State of Florida****[CHAPTER LAW: 98-431]****by Civil Justice & Claims and Rep. Meek** (SB 0068 by Judiciary and Sen. Holzendorf)

- The Division of Administrative Hearings is directed to appoint an administrative law judge to conduct a hearing and determine whether a basis for equitable relief exists for the purpose of compensating claimants.
- If the administrative law judge determines that the State of Florida, or officials, thereof, committed a wrongful act, the Comptroller is authorized to draw a warrant not to exceed \$500,000 each, and reasonable attorney's fee not to exceed 25% of the compensation awarded.

This act shall take effect upon becoming law.

**CS/HB 3037 -- Relief of Bruce Wiggins/Metropolitan Dade County** [CHAPTER LAW: 98-440]  
**by Civil Justice & Claims and Rep. Cosgrove** (Passed as SB 0034 by Sen. Casas)

- This is a verdict-based excess judgment claim to compensate the estate of Helen Wiggins for her death as result of the negligence of Metropolitan Dade County.
- The Board of County Commissioners of Metropolitan Dade County is authorized and directed to appropriate from funds of the county not otherwise appropriated the sum of \$1,522,665.
- The portion of the settlement for the children shall be placed in structured annuities.
- Payment due any lienholders as a result of medical expenses shall be paid directly from Dade County to the lienholders, after being reduced by a sum that is the lienholder's proportionate share of attorneys' fees and costs.
- Prior to the disbursement of funds to the claimant, the governmental entity responsible for payment shall make payment to the Florida Agency for Health Care Administration for satisfaction of any and all Medicaid liens. The lien amount shall be calculated up to the date that this bill becomes law.

This act shall take effect upon becoming law.

**CS/HB 3041 -- Relief of Frank Roster/Department of Transportation (DOT)** [CHAPTER LAW: 98-428]  
**by Civil Justice & Claims and Rep Miller** (Passed as CS/SB 0028 by Transportation and Sen. Forman)

- This is a verdict - based Excess/Judgment claim for \$4,600,000, and transfer of existing spending authority from unappropriated trust fund balances in the Department of Transportation.
- The governmental entity responsible for payment of the warrant shall satisfy any and all Medicaid liens for past benefits provided prior to the disbursement of funds to the claimant.

This act shall take effect July 1, 1998.

**HB 3045 -- Relief of Penny Tilley/Florida Retirement System** [CHAPTER LAW: 98-430]  
**by Rep. Boyd** (Passed as SB 0066 by Sen. Williams)

- This is an equitable claim for \$3,973.68, and thereafter \$331.14 a month, and an annual cost of living allowance.

This act shall take effect July 1, of the year in which enacted, except that this act shall not take effect if an amendment adding subparagraph (f)1. to subsection (7) of section 121.091, F.S., becomes law.

**CS/HB 3047 -- Relief/Michelle Jones/West Volusia Hospital Authority** [CHAPTER LAW: 98-445]  
**by Civil Justice & Claims and Rep. Lynn** (Passed as SB 0054 by Sen. Dyer)

- This is a consent verdict-based, excess judgment claim in the amount of \$1,972,540, West Volusia Hospital Authority is directed to appropriate from funds not otherwise appropriated.

This act shall take effect upon becoming law.

**CS/HB 3051 -- Relief of Jemal Kurein/City of Tampa** [CHAPTER LAW: 98-444]  
**by Civil Justice & Claims and Rep. Miller** (Passed as SB 0052 by Sen. Grant)

- The City of Tampa is authorized to appropriate from funds not otherwise appropriated in the sum of \$290,930.30 payable to Semira Kurein.
- Payment to the Florida Agency for Health Care Administration shall be reduced by the agency's proportionate share of legal costs and attorney's fees. The amount due to the agency shall be calculated based on Medical payments paid up to the date that this bill becomes law.

This act shall take effect upon becoming law.

**HB 3055 -- Relief of Bruce and Janie Silverman/North Broward Hospital District** [CHAPTER LAW: 98-442]  
**by Rep. Tobin** (Passed as SB 0040 by Sen. Campbell)

- This is a settlement agreement for \$1 million to compensate for the death of Alexandra Silverman while in the care of the Coral Springs Hospital.

This act shall take effect upon becoming law.

**CS/HB 3057 -- Relief of Jeanette Alonso/Dade County** [CHAPTER LAW: 98-447]  
**by Civil Justice & Claims and Rep Ritter** (Passed as SB 0060 by Sen. Gutman)

- This is an excess judgment/settlement for \$3,800,000, payable to the court-appointed guardian.

This act shall take effect upon becoming law.

**HB 3079 -- Relief of Julie McGinnes/Palm Beach County** [CHAPTER LAW: 98-446]  
**by Rep. Andrews** (Passed as SB 0056 by Sen. Klein)

- This is a pre-trial settlement. The Board of County Commissioners of Palm Beach County is directed to appropriate from funds not otherwise appropriated a warrant in the sum of \$1,025,000 payable to claimant.

This act shall take effect upon becoming law.

**HB 3081 -- Relief of Matthew White/Alachua County** [CHAPTER LAW: 98-448]  
**by Rep. Casey** (Passed as SB 0070 by Sen. Klein)

- This is an excess judgment claim; the Alachua County Sheriff's Department is directed to appropriate from funds not otherwise appropriated in the sum of \$275,000 payable to Matthew White.

This act shall take effect upon becoming law.

**CS/HB 3085 -- Relief of Kimberly L. Gonzalez/Palm Beach County Sheriff's Dept.** [CHAPTER LAW: 98-459]  
**by Civil Justice & Claims and Rep. Healey** (Passed as CS/SB 0058 by Ways & Means and Sen. Meadows)

- This is an excess judgment/settlement in the amount of \$71,790.67. The Palm Beach County Sheriff's Department is directed to appropriate from funds not otherwise appropriated to pay claimant.
- Requires the claimant and claimant's attorney to repay the Medicaid lien, which will be based on medical payments paid up to the date that this act becomes law.

This act shall take effect upon becoming law.

## COMMITTEE ON CORRECTIONS:

**CS/HB 3539 -- Notification of Escaped Prisoner** [CHAPTER LAW: 98-109]  
**by Corrections, Rep. Ritter and others** (Passed as CS/SB 0930 by Criminal Justice and Sen. Campbell)

Requires correctional institutions to immediately notify the appropriate sentencing judge and state attorney upon the escape of an inmate from a state, local, or juvenile correctional facility, including public and private facilities.

- Clarifies applicability of escape notification requirements to private correctional facilities.
- Requires institution to also notify the appropriate state attorney and sentencing judge when the escaped offender is subsequently captured and returned.

The bill is effective upon becoming law.

**CS/HB 4455 -- Mobile Surgical Facilities** [CHAPTER LAW: 98-303]  
**by Corrections, Rep. Brooks & others** (CS/CS/SB 1728 by Health Care, Criminal Justice and Sen. Bronson)

Creates licensing requirements for mobile surgical facilities.

- Authorizes the Agency for Health Care Administration (AHCA) to license and regulate mobile surgical facilities under Chapter 395. The bill's licensing requirements do not appear to interfere with the contract that the existing mobile surgical facility has with the Department of Corrections.
- Defines mobile surgical facilities to only include such facilities under contract with the Department of Corrections. Also includes mobile surgical facilities in the definition of "ambulatory surgical center."
- Specifically exempts mobile surgical facilities under contract with the Department of Corrections from the Chapter 408 requirements to procure a certificate of need.

- Authorizes AHCA to inspect mobile surgical facilities at initial licensure and again each time a new location is established, unless the facility is moved to a temporary location where medical treatment will not be provided.
- Authorizes AHCA to establish separate minimum standards for mobile surgical facilities.
- Requires licensed mobile surgical facilities to pay an annual assessment on health care entities as required in §395.7015(b)(2).

The bill is effective upon becoming law.

## **COMMITTEE ON CRIME & PUNISHMENT:**

### **HB 0065 -- Crime Prevention Assistance**

**[CHAPTER LAW: 98-28]**

**by Reps. Constantine and Culp** (SB 0982 by Sen. Kurth)

The bill repeals Chapter 426, F.S. Chapter 426, F.S., was enacted in 1984 to allow housing authorities to carry out crime prevention and security programs to reduce the victimization of handicapped and elderly residents. The program was to be funded by fines imposed in certain criminal cases, however, the fines were rarely imposed or collected. The trust fund associated with this program was repealed in 1993.

The effective date of this bill is upon becoming law.

### **CS/CS/HB 0327 -- Criminal Mischief/Graffiti**

**[CHAPTER LAW: 98-93]**

**by Governmental Operations, Crime & Punishment, Rep. Rojas and others** (Passed as SB 0444)

- Authorizes local government to impose mandatory sentences for a violation of a graffiti related ordinance.
- Provides that a conviction for a second misdemeanor criminal mischief (including graffiti) is to be reclassified as a third degree felony.
- Provides that local ordinances penalizing graffiti are not preempted by state law.
- Provides an exception for graffiti related offense to the general requirement that a law enforcement officer may not arrest a person for a misdemeanor offense that did not occur in the presence of the officer.

The effective date of this bill is October 1, 1998.

### **CS/CS/HB 0679 -- Weapons and Firearms/Domestic Violence**

**[CHAPTER LAW: 98-284]**

**by Law Enforcement & Public Safety, Crime & Punishment, Rep. Lynn and others** (SB 1582 by Sen. Kurth)

- Creates a first degree misdemeanor offense for the possession of a firearm or ammunition by a person who has been issued a final injunction for domestic violence. This provision applies only as long as the injunction is in effect.
- Provides an exception for certified law enforcement officers who possess a firearm for official duties.
- Provides that a license to carry a concealed weapon may not be issued if a person has an injunction that prohibits repeat violence or domestic violence. This prohibition only lasts as long as the injunction is in effect.
- Provides that a license to carry a concealed weapon shall be revoked and shall not be issued, if a person has been sentenced for a violent misdemeanor and the sentence has not expired within the last three years.

The effective date of this bill is July 1 of the year in which enacted.

### **CS/HB 0767 -- Bad Check Charges**

**[CHAPTER LAW: 98-297]**

**by Crime & Punishment and Rep. Hill** (SB 0212 by Sen. Meadows)

- Amends statute governing civil action to collect worthless checks by including checks upon which the maker has stopped payment with the intent to defraud.
- Amends statute governing service fee to be collected by governing bodies to correspond with the fees announced in s. 832.08(5).
- Amends statute governing prima facie evidence of identity by deleting the requirement that the check maker's race be established in order to prove identity.

The effective date of this bill is October 1, of the year in which enacted.

**HB 1317 -- Leased Personal Property/Defraud****[CHAPTER LAW: 98-214]****by Rep. Argenziano and others** (CS/SB 1028 by Commerce & Economic Development and Sen. Gutman)

- Creates a first degree misdemeanor penalty for knowingly possessing equipment used for the unauthorized reception of any cable service.
- Creates a first degree misdemeanor penalty for advertising the sale of equipment used for the unauthorized reception of any cable service.
- Provides that there is prima facie evidence of fraudulent intent, if a person fails to redeliver leased property within 5 days after receipt of the certified demand for the return of the leased property. Notice of this provision must be initialed by the person leasing or renting the property.
- Provides that failure to pay money due on leased or rental property after the demand for return is made, is prima facie evidence of intent to defraud. Notice of this provision must be initialed by the person leasing or renting the property.
- Provides that a demand for the return of overdue property may be made by certified mail, return receipt requested, addressed to the lessee's address shown in the rental contract.

The effective date of this bill is October 1 of the year in which enacted.

**CS/HB 1381 -- Court Costs & Fines Collection****[CHAPTER LAW: 98-247]****by Crime & Punishment, Rep. Heyman and others** (CS/SB 0462 by Criminal Justice and Sen. Crist)

Creates the "Comprehensive Court Enforcement Program Act" which authorizes courts to pursue fines, court costs, fees and restitution which were imposed pursuant to a criminal conviction in a civil proceeding.

- Authorizes judges to punish refusal to pay with contempt of court.
- Authorizes an additional administrative fee to cover the costs of the civil hearing.
- Authorizes special masters to make recommendations to the court.
- Authorizes county commissions to refer financial obligations to a collection agent.

The effective date of this bill is upon becoming a law.

**CS/HB 1727 -- Assault & Battery/Code Inspectors****[CHAPTER 98-24]****by Crime & Punishment, Rep. Livingston and others** (SB 0106 by Sen. Gutman)

Increases the classification of the penalty for violent crimes against code inspectors so that the severity of the punishment for an offense such as battery against a code inspector is treated the same as a battery against a law enforcement officer.

The effective date of the bill is October 1 of the year in which it is enacted.

**CS/HB 3033 -- Execution/Lethal Injection****[CHAPTER LAW: 98-3]****by Crime & Punishment, Rep. Stafford and others** (SB 0196 by Sen. Klein)

Amends statute governing the method of execution by making lethal injection the method of execution, if electrocution is ever ruled unconstitutional.

- Provides that a change in the method of execution shall not constitute a violation of the Ex Post Facto clause of the U.S. Constitution, nor the Florida Constitution.
- Provides that a change in the method of execution shall not constitute a violation of Florida's Constitutional provision which ensures punishment for a crime, regardless of repeal of the statute, in Article X, Section 9 of the Florida Constitution.
- Provides that no sentence of death shall be reduced as the result of a change in the method of execution.
- Exempts the prescribing, preparing, dispensing and administration of a lethal substance from the definition of the practice of medicine.

The effective date of this bill is upon becoming law.



**CS/HB 3053 -- Death by Lethal Injection/Records  
by Crime & Punishment, Rep. Stafford and others** (SB 0198 by Sen. Klein)**[CHAPTER LAW: 98-4]**

- Amends statute governing confidential records belonging to the Department of Corrections by including the identity of the person administering a lethal injection in connection with the execution of an inmate.
- Amends statute governing public's right to inspect public records by exempting information which may divulge the identity of the person administering a lethal injection in connection with the execution of an inmate. Provides the law is subject to the Open Government Sunset Review Act of 1995 which requires the legislature to review the law and make new findings in order to continue the exemption by October 2, 2003.
- Makes legislative finding which is necessary to exempt certain records from public inspection.

The effective date of this bill is "on the same date that Committee Substitute for House Bill 3033 or similar legislation providing for execution of the death sentence by lethal injection takes effect ...."

**CS/HB 3147 -- Blind Services  
by Community Affairs and Rep. Heyman** (SB 0136 by Sen. Forman)**[CHAPTER LAW: 98-19]**

- Amends statute governing rights of disabled persons to allow trainers of guide-dogs to enter public facilities with the guide-dog for training purposes.
- Amends statute governing the Division of Blind Services by redefining the function of the Advisory Council for the Blind to assist the Division of Blind Services in the development of programs and services.
- Amends statute governing the Division of Blind Services by redefining the structure, membership, method of appointment of members and specific duties of the Advisory Council for the Blind.

The effective date of the bill is July 1 of the year in which enacted.

**CS/HB 3165 -- Controlled Substances/Public Housing  
by Crime & Punishment, Rep. Lynn and others** (Passed as CS/SB 0358 by Criminal Justice and Sen. Burt)**[CHAPTER LAW: 98-22]**

- Provides for enhanced penalties for any person who sells, manufactures, delivers, or possesses with intent to sell a controlled substance within 200 feet of a public housing facility.
- Current law provides for similar enhanced penalties, but was ruled unconstitutional because the term "public housing" was considered too vague. The bill addresses the constitutional defect by more clearly defining the term "public housing."

The effective date of the bill is October 1, 1998.

**HB 3275 -- Drivers License Suspension/Bad Checks  
by Rep. Arnall and others** (CS/SB 1218 by Transportation and Sen. Crist)**[CHAPTER LAW: 98-223]**

- Amends statute governing worthless checks by requiring the suspension of the driver's license for any person being prosecuted for a worthless check, who fails to appear in court and for whom an arrest warrant or capias has been issued.
- Amends statute governing worthless checks by providing an alternative to bad check diversion program which allows placement of a worthless check debt with a debt collector prior to presenting the complaint for prosecution by the state attorney.
- Amends statute governing drivers' licenses to permit the Department of Highway Safety and Motor Vehicles to sell copies of photographs and other images when they are being purchased for the purpose of preventing fraud.
- Amends statute governing traffic infractions by requiring a warning instead of a fine for speeding if less than 5 m.p.h. over the speed limit; by requiring a fine for speeding in a school zone, even if less than 5 m.p.h. over the speed limit; by requiring the presence of construction personnel for imposition of provision which requires doubling of fines for speeding in construction zone.
- Amends statute governing drivers' licenses by requiring a second offense for a misdemeanor conviction of expiration of registration, over 6 months. A first conviction is reduced to a civil infraction.
- Amends statute governing drivers' licenses by requiring permanent revocation for any person convicted of murder resulting from the operation of a motor vehicle; D.U.I. manslaughter, if a second or subsequent D.U.I. offense; by requiring that periods of license suspension will not run during periods of incarceration; by creating a 3rd-degree felony for any person who drives with a permanently revoked license.

The effective date of this bill is July 1 of the year in which enacted.

**HJR 3505 -- Death Penalty/Execution Method** [FILED WITH SECRETARY OF STATE]  
**by Reps. Crist, Feeney and others** (CS/SJR 0964 by Criminal Justice & Sen. Lee)

The joint resolution proposes the following changes to Florida's Constitution:

- Provides that the prohibition against cruel and unusual punishment must be interpreted in conformity the United States Supreme Court's interpretations of the same provision in the United States Constitution.
- Provides that the death penalty is an authorized punishment for capital crimes designated by the legislature.
- Provides that any method of execution shall be allowed unless prohibited by the United States Constitution.
- Provides that the method of execution may be changed retroactively and that a sentence of death shall not be reduced because a method of execution is declared invalid.

The amendment is effective retroactively upon ratification by the electorate.

**CS/HB 3709 -- Voyeurism** [CHAPTER LAW: 98-415]  
**by Crime & Punishment, Reps. Dockery, Bloom, Brown, Casey & others** (CS/SB 0772 by Criminal Justice & Sen. Gutman)

- Creates the offense of "voyeurism" which prohibits the secret observation, photographing, videotaping, etc. of a person with lewd or indecent intent, if the victim is in a location in which he or she would have a reasonable expectation of privacy.
- Provides the penalty for a first or second offense shall be a 1st-degree misdemeanor. A third or subsequent offense shall be a 3rd-degree felony.
- Amends the criminal mischief statute by permitting the aggregate sum of the damages inflicted upon the property of multiple owners to be considered when determining whether the amount of damages qualifies the offense as a misdemeanor or a felony.

The effective date of this bill is July 1 of the year in which enacted.

**HB 4233 -- Offense of Murder/Redefined** [CHAPTER LAW: 98-417]  
**by Rep. Stafford** (CS/SB 0524 by Criminal Justice and Sen. Campbell)

- Amends the felony-murder statute by including murder as one of the enumerated, underlying offenses which will form the basis for a 1st or 2nd-degree murder conviction, regardless of the perpetrator's intent.
- Amends the vehicular homicide statute by including a viable fetus as a potential victim of the crime, and by providing a civil cause of action for the death of a viable fetus.
- Amends the statute governing Public Defenders by directing the Commission on the Administration of Justice in Capital Cases to conduct a study to evaluate whether the elimination of post-conviction appeals will reduce delays in carrying out a death sentence in capital cases.
- Creates a provision directing the Correctional Privatization Commission to use \$100,000 for the purpose of developing two invitations to bid on 1) an adult prison, and 2) a youthful offender facility.

The effective date of this bill is October 1 of the year in which enacted.

**HB 4667 -- Criminal Punishment** [CHAPTER LAW: 98-204]  
**by Crime & Punishment and Rep. Ball** (Passed as CS/SB 1522 by Criminal Justice)

- Provides that enhanced penalties authorized by statute do not cause offenses to become unranked.
- Inserts all offenses that were ranked in the guidelines during the 1997 session into the ranking chart for the new Punishment Code.
- Inserts into the ranking chart for the Code the offenses of official misconduct and solicitation of a child through the Internet, which were previously unranked offenses.
- Clarifies that the Code does not apply to capital offenses.
- Requires that a court must provide written reasons for a sentence below the lowest permissible sentence within 7 days after the sentencing.
- Clarifies that judges will be able to impose consecutive sentences up to the statutory maximum for each count before the court for sentencing.

- Creates the offense of attempted felony murder for intentional acts that could but do not cause injury to another committed during the course of a serious felony.
- Authorizes the Department of Corrections to evaluate sentencing trends and rates of incarceration.
- Removes inconsistent language and makes other technical changes.

The effective date of the bill is October 1, 1998.

## COMMITTEE ON FAMILY LAW & CHILDREN:

### **CS/HB 0585 -- Adoption of Foster Children by Rep. Murman (SB 0264 by Sen. Rossin)**

**[CHAPTER LAW: 98-50]**

Allows for the court to order post-adoption contact between separated siblings after a termination of parental rights if such contact is in the best interests of the children. This contact may include, but is not limited to, visits, letters and cards, or telephone calls. The order for such contact shall be made a part of the final adoption order.

The effective date of this bill is upon becoming law.

### **HB 1019 -- Marriage Preparation and Preservation and Protection of Children by Rep. Bloom and Rep. Wise (CS/CS/SB 1576 by Sen. Rossin)**

**[CHAPTER LAW: 98-403]**

Creates the "Marriage Preparation and Preservation Act of 1998".

- Provides for marriage and relationship skill-based education to be included in the life management skills class required for high school graduation.
- Provides for a reduction of \$32.50 in the marriage license fee for couples who complete a marriage preparation course.
- Requires a three-day waiting period for a license for those couples not completing a course. The waiting period may be waived under certain circumstances.
- Delineates course curriculum and qualifications of course providers for marriage preparation course.
- Provides for a research component to be developed and administered by the Center for Marriage and Family at Florida State University.
- Requires the creation and distribution of a handbook pertaining to the rights and responsibilities of marital partners under Florida law.
- Provides for the Parent Education and Family Stabilization Course for separating or divorcing parents and specifies content of the course and qualifications for course providers.
- Provides for an increase of \$32.50 in the filing fee for dissolution of marriage.

The effective date of the sections of the bill relating to marriage preparation and preservation is Jan. 1, 1999.

Provides for the protection of children.

- Strengthens the federal mandate to ensure that the safety and protection of children are always the paramount concern.
- Shortens the time frames for achieving resolution for abused and neglected children.
- Builds in better and more complete child and family assessments up front in the dependency process.
- Provides funding for lawyers for indigent parents in dependency court proceedings.
- Consolidates two separate child protection statutes (chapters 39 and 415) to eliminate contradictions and streamline court procedures.
- Provides funding for increased care giver subsidies for child abuse and neglect victims placed in the care of relatives.
- Increases fines, other civil and criminal penalties for persons who knowingly and intentionally make false reports of child abuse.
- Implements child protection requirements of the federal Adoption and Safe Families Act of 1997. Florida is the first state in the nation to meet this requirement.

The effective date of the sections of the bill relating to child protection is October 1, 1998.

**HB 3217 -- Privatization of Foster Care and Related Services** [CHAPTER LAW: 98-180]  
**by Rep. Murman and Rep. Feeney** (CS/CS/SB 0352 by Ways & Means, Children, Families & Seniors and Sen. Brown-Waite)

Requires the privatization of foster care and related services statewide over a three year period beginning on January 1, 2000.

- Requires the Department of Children and Family Services to submit an operational plan to accomplish privatization. The plan is to be submitted by July 1, 1999.
- Requires the state attorney or the Office of the Attorney General to provide child welfare legal services, beginning in fiscal year 1999-2000, in Sarasota, Pinellas, Pasco, and Manatee Counties.
- Requires the Department of Children and Family Services to develop a statewide quality assurance program.
- Requires the Department to privatize all foster care and related services in District 5 beginning January 1, 1999.
- Directs the Department to transfer all responsibility for child protective investigations for Pinellas, Pasco, and Manatee counties to the sheriffs of those counties by the end of fiscal year 1999-2000. During FY 1998-1999, the department will contract with the sheriffs for these services.

The effective date of this bill is July 1 of the year in which enacted.

**CS/HB 3227 -- Substance Abuse Services** [CHAPTER LAW: 98-262]  
**by Family Law & Children, Rep. Wise and others** (SB 0392 by Sen. Holzendorf)

Redefines the term "qualified professional" for purposes of providing substance abuse assessment or treatment services. Requires persons to meet Florida's certification requirements within a specified period after employment in Florida. Provides a grandfather clause for persons with certain qualifications and experience. Exempts persons certified before January 1, 1995.

The effective date of this bill is January 1, 1999.

**CS/HB 3327 - Sexually Violent Predator Treatment** [CHAPTER LAW: 98-64]  
**by Family Law & Children, Rep. Villalobos and others** (CS/CS/SB 0646 by Children, Families & Seniors, Criminal Justice, Sen. Gutman and others)

Establishes legal procedures by which sexually violent predators may be civilly committed to the Department of Children and Family Services for control, care, and treatment until such time as the person's mental condition has so changed that the person is safe to be at large. Appropriates \$4,900,000 and 50 full time equivalent positions to the Department of Children and Family Services, and \$1,500,000 to the Department of Corrections to carry out the provisions of this act.

The effective date of this bill is January 1, 1999.

**CS/CS/HB 3377 -- Child Abuse Prevention Services** [CHAPTER LAW: 98-175]  
**by Health & Human Service Appropriations, Family Law & Children, Rep. Frankel, Rep. Lynn and others** (Passed as CS/CS/SB 1660 by Governmental Reform & Oversight, Children, Families & Seniors, Sen. Kurth and others)

Requires the Department of Children and Family Services to contract with a private nonprofit corporation to implement the Healthy Families Florida program.

- The program shall work in partnership with existing community-based home visitation and family support resources to provide assistance to families in an effort to prevent child abuse.
- The program is voluntary for participants, and requires the informed consent of participants at initial contact.
- The Kempe Family Stress Checklist shall not be used.
- Appropriates \$10 million from tobacco settlement receipts to the Department of Children and Family Services to implement this act.

The effective date of this bill is July 1 of the year in which enacted.

**CS/HB 4229 -- False Reports of Abuse and Neglect****[CHAPTER LAW: 98-111]**

**by Rep. Dockery** (Passed as CS/CS/SB 1024 by Sen. Hargrett, sections relating to child abuse and neglect passed as HB 1019 by Rep. Bloom, and sections relating to elder abuse passed as HB 4167 by Elder Affairs and Long Term Care and Rep. Brooks)

Provides for increased penalties for false reporting of child abuse, abandonment, or neglect or the abuse, neglect, or exploitation of an elderly or disabled adult.

- Provides procedures for investigation of suspected false reports by local law enforcement.
- Increases the criminal penalty for false reporting from a second degree misdemeanor to a third degree felony.
- Requires reports to be made to the legislature by the Department of Children and Family Services and the state attorneys that provide the number of cases referred and the number of complaints resulting in a filing of an information or an indictment.
- Increases the maximum amount of an administrative fine from \$1,000 to \$10,000.

The effective date of the bill is July 1, 1998.

**HB 4771 -- Child Support Enforcement****[CHAPTER LAW: 98-397]**

**by Family Law & Children, Rep. Lynn and Rep. Effman** (CS/SB 2244 by Sen. Dudley: Passed in CS/CS/HB 271 by Rep. Arnall)

Provides for a number of changes to the statutes relating to the Child Support Enforcement Program.

- Reduces the fee DOR pays for placing a lien on a motor vehicle from \$28.25 for first liens and \$29.25 for subsequent liens to a flat fee of \$7.00.
- Allows the director of the Child Support Program to delegate authority to place a lien on a motor vehicle or vessel to appropriate staff.
- Allows DOR to identify persons owing child support who have abandoned property with the Department of Banking and Finance and to request transfer of that property to DOR for child support obligations once the claim has been approved.
- Eliminates the requirement for Child Support Enforcement to file an Answer to the Complaint to Foreclose but allows the department to retain the right to participate in disbursement of funds.
- Requires current support to be given priority in cases where more than one income deduction order exists and collection is insufficient to satisfy all obligations.
- Eliminates an unnecessary requirement and clarifies instructions to employers regarding allocation of income deduction amounts when there is more than one obligation for an employee.
- Establishes the State Disbursement Unit as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).
- Specifies that child support will be distributed in accordance with federal requirements.
- Gives DOR general rulemaking authority for the Child Support Enforcement Program.
- Corrects glitches in the child support enforcement legislation and the WAGES legislation passed by the Florida Legislature in 1997.
- Changes state law to include federal technical amendments to PRWORA.

The effective date of the sections of this bill relating to child support enforcement is July 1, 1998.

**COMMITTEE ON JUVENILE JUSTICE:****HB 0475 -- Juvenile Sexual Offenders****[CHAPTER LAW: 98-158]**

**by Juvenile Justice and Rep. Brown** (Passed as CS/CS/SB 1796 by Children, Families & Seniors & Sen. McKay)

- Establishes licensing and training requirements for persons wanting to practice juvenile sexual offender therapy after October 1, 2000. Requires the Departments of Children and Families and Juvenile Justice to notify school superintendents of any child who has a known history of sexual behavior with another child, is an alleged juvenile sex offender, or is found to have violated certain sex offenses. Provides for the creation of sexual abuse intervention networks and the awarding of grants to assist in identifying, investigating, prosecuting, treating, and preventing juvenile sexual abuse.

The effective date of this bill is upon becoming law.

**CS/HB 3007 -- Juvenile Substance Abuse Testing****[CHAPTER LAW: 98-55]****by Juvenile Justice, Rep. Fasano and others** (SB 0708 by Sen. Grant)

- Creates provisions to allow youth placed on community control or in aftercare to be subject to random substance abuse testing. The judge may order such requirements at the disposition hearing following a recommendation by the Department of Juvenile Justice or upon the filing of a petition alleging a violation of community control or aftercare.

The effective date of this bill is October 1 of the year enacted and shall apply to offenses committed on or after that date.

**HB 3977 -- Orlando Regional Juvenile Detention Center****[CHAPTER LAW: 98-186]****by Rep. Sublette** (Passed in HB 4315 by Juvenile Justice, Rep. Bainter and others)

- Prohibits the expansion of the Orlando Regional Detention Center by any state agency.

The effective date of this bill is upon becoming a law.

**HB 4153 -- Juvenile Offenders/Boot Camps****[CHAPTER LAW: 98-282]****by Rep. Flanagan, Rep. Turnbull and others** (CS/SB 1486 by Criminal Justice, Sen. Williams and others)

- Specifies funding sources for implementing and operating boot camps and places sheriff operated boot camps under their authority as determined by a contract with the Department of Juvenile Justice (DJJ). Requires placement of youth eligible for boot camp in the camp in or nearest to the judicial circuit in which the child was adjudicated unless the placement is inappropriate. DJJ will inspect all boot camps, including state-operated camps, but will no longer charge monitoring fees to locally run camps. Provides corrective action for state-operated boot camps failing to pass quarterly inspections. DJJ can no longer institute injunctive proceedings against locally operated camps failing to meet specified minimum standards.

The effective date of this bill is July 1, 1998.

**CS/HB 4257 -- Juvenile Justice****[CHAPTER LAW: 98-207]****by Juvenile Justice, Rep. Bainter and others** (Passed as CS/CS/SB 2288 by Children, Families & Seniors, Criminal Justice and Sen. Gutman)

- Directs the Juvenile Justice Advisory Board (JJAB) to annually operate and update a comprehensive system to measure and report program outcomes and effectiveness for programs operated by the Department of Juvenile Justice (DJJ) or a provider contracted by DJJ. Directs the JJAB, the Division of Economic and Demographic Research (EDR) and contract service providers to develop a cost-effectiveness model to be used to compare program costs to client outcomes and program outputs. Requires the DJJ to collaborate with the JJAB, EDR and contract service providers to refine the cost-effectiveness model.

The effective date of this bill is upon becoming law.

**CS/HB 4295 -- Juvenile Justice****[CHAPTER LAW: 98-207]****by Governmental Operations, Juvenile Justice, Rep. Bainter and others** (Passed as CS/CS/SB 2288 by Children, Families & Seniors, Criminal Justice and Sen. Gutman)

- Allows counties to assess a \$3 court fee for teen court programs. Specifies conditions under which the Department of Juvenile Justice (DJJ) or any other state or local criminal justice agency may provide juvenile records to contracted programs. Redefines and specifies conditions for escaping from a secure detention or residential commitment facility. Replaces references to intake counselor and case manager with juvenile probation officer. Authorizes DJJ to use Juvenile Assessment Centers (JACs) to conduct pre-disposition assessments and evaluations. Clarifies the definition and operation of JACs. Specifies that only youth meeting secure detention criteria will be placed in such a facility. States provisions relating to a juvenile's competency in delinquency cases including proper notifications of filings and the appropriate course of action for competency cases.
- Allows DJJ to utilize juvenile assignment centers to conduct pre and post disposition assessments and evaluations. Requires DJJ to use such centers to conduct pre-disposition assessments by July 1, 1999. The expiration date for Juvenile Assignment Centers is extended to July 1, 2000.

The effective date of this bill is upon becoming law.

**HB 4315 -- Juvenile Justice Education Programs****[CHAPTER LAW: 98-186]****by Juvenile Justice, Rep. Bainter and others** (CS/CS/SB 2198 by Government Reform & Oversight, Criminal Justice and Sen. Bankhead)

- Requires the Juvenile Justice Advisory Board to conduct a study of education services in the juvenile justice system in terms of assessment, curriculum, staffing, delivery, and resources. JJAB will assess the current funding method for education services and if necessary develop alternative funding methods for ensuring adequate and effective delivery of education services for juvenile offenders. Requires DOE to identify literacy programs for juvenile offenders and, contingent upon funding, implement literacy programs in residential commitment programs.

The effective date of this bill is upon becoming law.

**COMMITTEE ON LAW ENFORCEMENT & PUBLIC SAFETY:****CS/CS/HB 1137 -- Alcohol Impairment Testing****[CHAPTER LAW: 98-27]****by Health Care Standards & Regulatory Reform, Law Enforcement & Public Safety, Rep. Betancourt and others** (CS/SB 0508 by Criminal Justice and Sen. Horne)

Allows a medical care provider who is treating someone injured in a motor vehicle crash to notify law enforcement if that person's blood alcohol level (BAL) is .08 percent or higher.

- Provides that notification must be given within a reasonable time, and used exclusively for the purpose of a law enforcement officer requesting the withdrawal of a blood sample.
- Provides that reporting, or a failure to report, a person's BAL is not a violation of any moral or ethical duty on the part of the health care provider and prohibits any action being brought as a result of such a report.

The effective date of this bill is July 1, of the year in which enacted.

**CS/HB 1151 -- Florida Department of Law Enforcement****[CHAPTER LAW: 98-251]****by Law Enforcement & Public Safety, Rep. Futch & others** (CS/SB 1378 by Criminal Justice and Sen. Burt)

Amends various sections of the Florida Statutes that address criminal and juvenile justice information system issues at the request of the Criminal and Juvenile Justice Information Systems Council.

- Requires FDLE to develop and maintain an information system that supports the administration of the state's criminal and juvenile justice system.
- Requires that criminal defendants make a "good cause" showing in court prior to any order that FDLE perform analyses, and that such lab costs be assessed against the defendant.
- Provides that crime scene and laboratory analysts, and forensic technologists who have suffered significant exposure, may require that a person be screened for a sexually transmissible disease.
- Requires that blood specimens for DNA analysis be obtained from persons convicted of specified offenses where specimens are not regularly obtained.
- Authorizes the department to obtain copyrights on its work product.

The effective date of this bill is July 1, of the year in which enacted.

**CS/HB 1329 -- Medical Examiners****[CHAPTER LAW: 98-253]****by Law Enforcement & Public Safety, Rep. Roberts-Burke and others** (CS/SB 0562 by Criminal Justice, Sen. Kirkpatrick and others)

Provides that a medical examiner may not retain or furnish any part of a deceased without notification and approval of the next of kin, unless used in conjunction with the determination of identification or the cause of death of the decedent.

- Provides that a medical examiner may be suspended, reprimanded, or placed on probation for either a violation of this act, or negligent performance of his/her duties.
- Provides that a medical examiner may be temporarily suspended if unable to carry out his/her duties by reason of the use of alcohol, drugs, narcotics, or any other type of material.

The effective date of this bill is July 1, of the year in which enacted.

**CS/HB 3161 -- Law Enforcement and Correction Officers****[CHAPTER LAW: 98-249]****by Governmental Operations, Rep. Mackenzie and others** (SB 2012 by Sen. Bronson)

Provides for an audio or written recording of interrogations of law enforcement or correctional officers under investigation by the employing agency.

- Authorizes law enforcement officers, correctional officers, or correctional probation officers, who have resigned due to their appointment or election to office, to associate with a law enforcement agency for the purpose of maintaining their law enforcement certification without violating the constitutional prohibition against dual office-holding.

This effective date of this bill is upon becoming law.

**CS/HB 3255 -- Court Costs/Crime Stoppers****[CHAPTER LAW: 98-319]****by Law Enforcement & Public Safety, Rep. Sindler and others** (CS/CS/SB 0502 by Judiciary, Criminal Justice, Sen. Gutman and others)

Creates a new \$20 surcharge on any criminal fine imposed which will be used to support Crime Stoppers and their crime fighting programs.

- The bill also provides for a \$2 court cost for each noncriminal traffic infraction which will be used to fund local law enforcement agency training.

The effective date of this bill is July 1, of the year in which enacted.

**CS/CS/HB 3265 -- Boating Safety and Emergency Responses****[CHAPTER LAW: 98-308]****by General Government Appropriations, Law Enforcement & Public Safety, Rep. Ziebarth and others** (CS/CS/SB 1794 by Transportation, Natural Resources, Sen. Burt and others)

Provides for a \$500 civil penalty for anyone who refuses to submit to a blood test, breath test, or urine test when arrested for boating while intoxicated.

- Provides that, effective October 1, 1988, every person convicted of two noncriminal infractions of these provisions must attend a boating safety course.
- Provides that it is unlawful for any person under the age of 21 who has a breath-alcohol level of 0.02 or higher to operate, or be in actual physical control of, a vessel.
- Amends the definitions of "authorized emergency vehicles" and "operate" as used in the boater safety statutes.

The effective date of this bill is upon becoming law.



**HB 3359 – Protective Services For Certain Victims and Witnesses**  
**by Rep. Stafford** (Passed as SB 0526 by Sen. Campbell)**[CHAPTER LAW: 98-96]**

Extends protective services to those victims and witnesses who are at risk of harm because they cooperate in an investigation or prosecution of a serious felony offense, by adding “criminal attempt”, “criminal solicitation”, and “criminal conspiracy” to the definition of enumerated serious offenses.

- Provides that, if the protective service needed involves relocation, the Florida Department of Law Enforcement shall be notified to coordinate the relocation.
- Provides that the lead agency providing the service may seek reimbursement for expenses from the Victim and Witness Protection Review committee.

The effective date of this bill is upon becoming law.

**CS/HB 3511 – Drivers License Revocations****[CHAPTER LAW: 98-223]**

**by Law Enforcement & Public Safety, Rep. Constantine and others** (Partially incorporated into HB 3275 by Rep. Arnall and others)

Provides that a person committing the crime of murder resulting from the operation of a motor vehicle shall have their license permanently revoked, and that no license or driving privilege may be granted to such person.

- HB 3275 also includes DUI manslaughter, where the conviction represents a subsequent conviction, and four or more DUI convictions as offenses which require permanent driver license revocation. HB 3275 provides circumstances in which an individual may petition the department for reinstatement.
- Provides that, in the case of incarceration, the defendant's release date shall be the date for determining when suspension or revocation commences, and when the defendant is eligible for reinstatement.
- Provides that notification of the defendant's release date be sent to the Department of Highway Safety and Motor Vehicles by the correctional facility.
- Provides that any person who drives a motor vehicle while their license is permanently revoked commits a felony of the third degree.
- HB 3275 also provides that the element of knowledge is satisfied when a judgement or order appears in the department's records unless the suspension occurs as a result of a failure to pay a fine, or for a financial responsibility violation.

The effective date of HB 3275 is July 1, of the year in which enacted.

**CS/HB 3571 – Department of Law Enforcement****[CHAPTER LAW: 98-94]**

**by Governmental Operations, Law Enforcement & Public Safety and Rep. Futch** (Passed as CS/SB 0486 by Criminal Justice and Sen. Silver)

Reorganizes the Department of Law Enforcement from five divisions into three programs to conform with the budget entities that have been implemented for performance-based budgeting.

- The three new programs (Criminal Justice Investigations and Forensic Science, Criminal Justice Professionalism, and Criminal Justice Information) would be managed by persons appointed by the executive director.
- Provides discretionary authority to the executive director to establish a “command, operational, and administrative services structure” in order to support the department in operating programs and delivering services.
- Provides that the department be required to develop and maintain an information system that administers the state's criminal and juvenile justice system.

The effective date of this bill is July 1, 1998.

**HB 3659 – Crime Stoppers Trust Fund**  
**by Rep. Sindler** (SB 0978 by Sen. Gutman)**[CHAPTER LAW: 98-265]**

- Creates the Crime Stoppers Trust Fund, to be administered by the Department of Legal Affairs.
- Provides that the Crime Stoppers Trust Fund shall terminate on July 1, 2002, unless terminated sooner.

The effective date of this bill is July 1, 1998.

**HB 3737 -- Sexual Predators/Notifying Public  
by Rep. Hill (SB 1776 by Sen. Holzendorf)****[CHAPTER LAW: 98-267]**

- Revises the notification requirements of the Florida Sexual Predators Act by requiring that within 48 hours of receiving notification of the presence of a sexual predator, the sheriff or chief of police must notify each public or private day care center, elementary school, middle school, and high school of the sexual predators presence in the community.

The effective date of this bill is July 1, 1998.

**HB 4059 -- Fleeing Law Enforcement Officer****[CHAPTER LAW: 98-274]****by Law Enforcement & Public Safety, Rep Futch & others (CS/SB 0794 by Criminal Justice and Sen. Dudley)**

Provides that it is a third-degree felony for the operator of a vehicle to either fail to stop the vehicle when so directed by a law enforcement officer, or to attempt to elude such officer.

- Provides that it is a second-degree felony to drive at high-speed, or demonstrate a wanton disregard for the safety of persons or property, during the course of willfully fleeing or attempting to elude a law enforcement officer.
- Increases the penalty for aggravated fleeing and eluding a law enforcement officer from a third-degree felony to a second-degree felony.

The effective date of this bill is October 1, 1998.

**HB 4219 -- Mutual Aid Agreements****[CHAPTER LAW: 98-183]****by Law Enforcement & Public Safety, Rep. Futch & others (CS/SB 1932 by Criminal Justice and Sen. Dudley)**

Provides that a state university that employs or appoints university police officers may enter into mutual aid agreements between one or more law enforcement agencies.

- Provides that, when the university lends assistance pursuant to a mutual aid agreement, all powers, privileges, and immunities apply to the agency as long as the requested services are coordinated by the affected local law enforcement executive in charge.

The effective date of this bill is July 1, of the year in which enacted.

**HB 4389 -- Emergency Medical Services****[CHAPTER LAW: 98-97]****by Rep. Flanagan and others (Passed as SB 0540 by Sen. Lee)**

- Expands the definition of "medical care provider" for the purpose of enhancing penalties for assaults and batteries committed on such persons.

The effective date of this bill is October 1, 1998.

**HB 4827 -- Sexual Predators Act****[CHAPTER LAW: 98-81]****by Law Enforcement & Public Safety & Rep. Futch (Passed as CS/SB 1992 by Criminal Justice & Sen. Burt)**

Amends Florida's laws relating to registration of sexual predators and sexual offenders with federal standards to preserve the federal Byrne formula funding the state receives.

- Provides for the sharing of criminal history information between departments for the purpose of child protective investigations.
- Prohibits sex offenders from being placed on administrative probation.
- Provides that certain control conditions relating to sex offenders are standard conditions that do not require oral pronouncement at sentencing.

The effective date of this bill is October 1, 1998.

**COMMITTEE ON REAL PROPERTY & PROBATE:****HB 1403 -- Construction and Molders Liens****[CHAPTER LAW: 98-215]****by Rep. Tobin** (CS/SB 0114 by Judiciary and Sen. Latvala)

The bill provides definitions of the terms:

- Customer, mold, molder, records, or molder records, and unclaimed mold.
- The bill provides that a molder may acquire title to an unclaimed mold, i.e., a mold which has not been used to make a product for at least 3 years. To exercise this right, the molder must send written notice of the intent to acquire title to the customer and to any holder of a security interest in the mold which was perfected in this state. Notice provisions are described in the bill.
- A molder acquires title to an unclaimed mold under any of the following circumstances:
  1. For an unclaimed mold for which a molder provides notice to a customer by certified mail and a signed receipt is received, if the customer or anyone claiming a legal interest in the mold does not contact the molder and either remove the mold from the molder's premises or make contractual arrangements with the molder for storage of the mold within 90 days after the date notice was received.
  2. For an unclaimed mold for which notice by publication is made, if the customer or anyone claiming a legal interest in the mold does not contact the molder and either remove the mold from the molder's premises or make contractual arrangements with the molder for storage of the mold within 90 days after the date of the second publication.
- The molder and the customer can bind themselves to provisions different than the statutes by written contract.
- The bill provides that these title transfer provisions do not affect the rights of a holder of a perfected security interest in a mold or any right of the customer under federal patent or copyright law or federal law relating to unfair competition. A molder who acquires title to a mold by this statute passes good title when transferring the mold.
- The bill creates a lien for unpaid amounts due the molder for work and materials. The lien is on a mold in the possession of the molder which belongs to the customer owing the unpaid debt. The molder may retain the mold until the debts are paid. Before enforcing the lien, the molder must comply with specified notice requirements.
- If the molder is not paid the amount due as stated in the notice within 60 days after the notice has been delivered, the molder may sell the mold at a public auction if all other requirements are satisfied.
- The proceeds of the sale must be paid first to any holder of a security interest perfected in this state. Any excess must be paid to the molder holding the lien created by this section. Any remaining amount is to be paid to the customer, if the customer's address is known, or to the state treasurer for deposit in the General Revenue Fund if the customer's address is unknown to the molder at the time of the sale.
- If a sale would be in violation of any right of a customer under federal patent or copyright law, it cannot be conducted.
- Section 1 of the bill, the provisions on acquisition of title to unclaimed molds, applies only to contracts entered into before January 1, 1999, and repeals on January 1, 2001.

The effective date of this bill is July 1, 1998.

**CS/CS/HB 1565 -- Timeshare Plans****[CHAPTER LAW: 98-36]**

**by Real Property & Probate and Rep. Edwards** (Passed as CS/CS/SB 0626 by Regulated Industries, Judiciary and Sen. Silver)

Revises chapter 721, Florida Statutes, relating to timeshare plans. The bill creates the Timeshare Lien Foreclosure Act, which provides for consolidation of timeshare foreclosure proceedings under certain conditions, for service of process by service on a registered agent or by mail, and for appointment of a registered agent to accept such service. The bill also creates statutes on commissioners of deeds to allow execution of timeshare instruments outside the United States. The bill also:

- Authorizes rulemaking authority to create exemptions to ch. 721, F.S.; increases the number of days that the Division of Florida Land Sales, Condominiums, and Mobile Homes has to respond to a proposed amendment to an approved multi-site timeshare plan that adds a new component site;
- Eliminates the requirement that a developer file an irrevocable letter of credit, surety bond, or other assurance to guarantee the delivery of incidental benefits to the purchaser, and authorizes disclosure of such benefits;
- Revises language regarding reservation agreements;

- Defines the term "regulated short-term product"; and provides for disclosure and cancellation provisions; authorizes the advertisement of such agreements subject to the division's approval;
- Allows developers greater flexibility in the allocation of common expenses; amends provisions regarding the audit of financial statements, and requires that the certified public accountants preparing these audits be licensed in the State of Florida.

The effective date of this bill is upon becoming a law.

**CS/HB 1903 -- Public Records**

**[CHAPTER LAW: 98-54]**

**by Real Property & Probate, Governmental Operations and Rep. Crow** (SB 0806 by Sen. Dudley)

This committee substitute creates a public records exemption for information relative to an investigation by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business & Professional Regulation conducted pursuant to Chapter 498, Florida Statutes.

- This exemption includes consumer complaints. Such information is confidential and exempt until 10 days after a notice to show cause has been filed by the division, or, in the case where no notice to show cause is filed, the investigation is completed or ceases to be active; however, certain information remains confidential and exempt, for example, information that would jeopardize the integrity of another active investigation and trade secret information.
- The stated purpose of this bill is to preserve the integrity of the investigation process. Furthermore, untimely disclosure of certain identifying and location information relating to purchasers or account holders or complainants could jeopardize the integrity of investigations.
- The exemption created by this bill is made subject to the Open Government Sunset Review Act of 1995 and will repeal on October 2, 2003, unless reenacted by the Legislature.

The effective date of the bill is October 1 of the year in which it is enacted (1998).

**HJR 3151 -- Additional Homestead Tax Exemption**

**[FILED WITH SECRETARY OF STATE]**

**by Rep. Villalobos** (SB 0246 by Sen. Diaz-Balart)

Proposed constitutional amendment to be voted on at the general election in November 1998. If approved by the voters, the amendment will provide authorization to the Legislature to permit counties or municipalities to grant an additional homestead tax exemption of up to \$25,000 to resident homeowners who are at least 65 years of age and whose household income does not exceed \$20,000.

- The amendment is not self-executing. The amendment, if implemented, provides that the general law implementing the legislation must allow the counties or municipalities to adopt the new exemption by ordinance, and must provide for the periodic adjustment of the income limitation for changes in the cost of living.

The effective date of this amendment is January 1, 1999, if approved by the electorate.

**CS/CS/HB 3193 -- Homeowners' Associations**

**[CHAPTER LAW: 98-261]**

**by Community Affairs, Real Property & Probate and Rep. Starks** (CS/SB 0544 by Judiciary and Sen. Dyer)

Provides the following changes to the statutes governing mandatory homeowners' associations:

- Provides that reserve and operating funds of the association are to be held separately by the developer and prohibits commingling of association funds with the developer's funds or with those of another association;
- Provides for delivery of specified documents by the developer to the association members at the time the members are entitled to assume control of the association;
- Prohibits certain clauses in homeowners' association governing documents;
- Requires notice that certain documents are available in the record office in the county where the property is located; and
- Requires that a contract for sale must refer to and include the disclosure summary and must also include a statement that the potential buyer should not execute the contract until they have received and read the disclosure summary.

The effective date of this bill is October 1, of the year in which it is enacted (1998).

**CS/HB 3223 -- Land Platting****[CHAPTER LAW: 98-20]****by Real Property & Probate and Rep. Dockery** (CS/SB 0406 by Regulated Industries and Sen. Clary)

- CS/HB 3223 revises existing definitions and adds new definitions in ch. 177, F.S., relating to land boundary regulation and platting of subdivided lands.
- The bill requires the platting of lands by “professional surveyors and mappers.”
- The bill sets minimum standards for platting throughout the state. Different types of monuments are identified and minimum size requirements for the monuments are specified in law.
- All lot corners of the plat must be monumented prior to the recording or prior to release of the improvement bond in cases where the plat is recorded and the planned improvements are bonded.
- The bill requires that all plats be reviewed for conformity to ch. 177, F.S., by a professional surveyor and mapper either employed by or under contract with the local governing body. Evidence of the review must be placed on the plat. The cost of the review will be borne by the legal entity offering the plat for recordation.

The effective date of this bill is July 1, 1998.

**CS/HB 3319 -- Liens****[CHAPTER LAW: 98-135]****by Governmental Operations & Rep. Merchant** (Passed as CS/SB 1466 by Judiciary & Sen. Dudley)

With regard to construction of public buildings:

- Provides an expedited procedure for the enforcement of a claim against a payment bond, and sets forth the form for “Notice of Contest Of Claim Against Payment Bond”.
- Provides for recovery of retainage.
- Provides that a contractor may serve a written demand on any claimant for a written statement of account, and sets forth requirements relating thereto.
- Provides that if the public authority requires a performance and payment bond, suits at law and in equity may be brought and maintained by and against the public authority on any contract claim arising from breach of an express or implied provision of a written agreement or at the written directive of the public authority.

With regard to construction in the private sector:

- Allows a solid waste company to use a construction lien to recover losses from a defaulting builder.
- Provides that a contractor’s affidavit need only include lienors who have timely served a notice to owner, and that negligent inclusion/omission of information which is not prejudicial to the owner does not constitute a default.
- Establishes an additional manner of serving the notice to owner.
- Provides an expedited procedure for the enforcement of a claim against a payment bond, and sets forth the form for “Notice of Contest Of Claim Against Payment Bond”.
- Sets forth the forms for Waiver of Right to Claim Against the Payment Bond, for progress payments and final payment.
- Revises the amount of a payment bond from \$500 to apply to court costs to \$1,000 or 25% of the amount demanded in the claim of lien, whichever is greater; and, authorizes the court, under certain conditions, to increase the amount of the cash deposit or lien transfer bond.

The effective date of this bill is July 1, 1998.

**CS/CS/HB 3321 -- Condominiums and Cooperatives****[CHAPTER LAW: 98-322]****by Governmental Rules & Regulations, Real Property & Probate and Rep. Crow** (CS/SB 1624 by Regulated Industries and Sen. Dudley)

The bill provides the Division of Florida Land Sales, Condominiums and Mobile Homes with rulemaking authority to implement and ensure compliance with chapter 719, Florida Statutes, relating to cooperatives as follows:

- The developer’s “obligations” to residents during conversion including requirements to file and notice intended cooperative conversions, provide rental agreement extensions, right of first refusal, disclosure and post-disclosure protections regarding the conversion.
- Prohibits a developer from closing on a contract for sale or a contract for lease for a period of more than five years until the developer complies with filing requirements.
- Allows a buyer to close during the fifteen days following execution of a purchase agreement if the buyer agrees to close during that time and the developer retains proof of such agreement for five years after the closing date.

Substantive changes to condominium and cooperative law include:

- If the initial condominium declaration was recorded prior to January 1, 1977, the association may operate more than one condominium as if it were a single condominium and may provide for a consolidated financial operation by amending its declaration or its bylaws if the amendment is approved by at least two-thirds of the voting interests.
- If a developer-controlled association has maintained all required insurance coverage, in the event of a natural disaster or Act of God, the developer and owners shall be responsible for a pro-rata share of expenses not covered by the proceeds of insurance.
- A developer-controlled association shall be required to “exercise due diligence” to obtain and maintain adequate insurance and the failure to obtain and maintain adequate insurance may be construed as a breach of fiduciary responsibility.
- An association must maintain year-end financial information on the condominium property for owners and prospective purchasers and the financial information must be referenced in contracts and included with prospectus or offering circulars.
- A vacancy on the board before the expiration of a term may be filled by the majority vote of the remaining directors, even if less than a quorum, or an election may be held conforming to the statutory election process, unless otherwise provided in the bylaws.
- If the declaration does not provide for cost of a master antenna system or cable television service, the board of administration may enter into a contract and the cost of the service will be a common expense to be allocated on a per-unit basis.
- A board member or committee member not present at a meeting may submit his or her agreement or disagreement with any action taken, but it may not be used for a quorum.
- A board member or committee member may vote by telephone for purposes of obtaining a quorum, if a speaker phone is used in order to hear the member’s vote.

The effective date of this bill is upon becoming a law.

**HB 3763 -- Cemetery Preservation & Consumer Act**  
**by Rep. Crist (CS/SB 1572 by Banking & Insurance and Sen. Harris)**

**[CHAPTER LAW: 98-268]**

HB 3763 is entitled the “Cemetery Preservation and Consumer Protection Act”, and amends several sections, and creates new sections, in Chapter 497, Florida Statutes, dealing with funeral and cemetery services. The bill provides a definition of “care and maintenance” as it relates to cemeteries, requires all licensed cemeteries to perform care and maintenance, and authorizes the Board of Funeral and Cemetery Services (“Board”) to make rules spelling out the minimum care and maintenance functions to be performed.

The bill provides:

- If a licensed cemetery wishes to sell lands within the cemetery, the licensee will have to give public notice and possibly undergo a public hearing to seek approval for the sale, if the land in question has ever been used for interments of human remains. If the land in question has never been used for interments, then no public notice or hearing will be required before the Department of Banking and Finance approves or denies the sale.
- New mausoleums or columbaria (buildings used as repositories for cremated remains) must be built in accordance with construction standards to be developed by the Board of Funeral and Cemetery Services. These standards will be promulgated as part of the state’s minimum building codes by the Board of Building Codes and Standards. Any significant alterations or renovations of existing mausoleums or columbaria must also comply with the new standards. The Board of Funeral and Cemetery Services must also make rules assuring that all crypts and niches are securely and permanently sealed after human remains have been placed therein. Requirements for preconstruction trust funds for new mausoleums are extended to include columbaria.
- The bill enhances criminal penalties for cemetery vandalism from misdemeanors to felonies. Grave robbing is upgraded to a second degree felony. Civil enforcement is improved by specifying the Attorney General as a potential plaintiff and by adding a section allowing the use of nuisance abatement procedures for violations causing physical problems at cemeteries. Greater flexibility is given counties in carrying out their duties to bury or cremate unclaimed bodies.
- The bill creates a task force within the Department to study the problems of abandoned cemeteries in Florida, and to make recommendations to the Legislature.

Provides an effective date of July 1, 1998, however, certain provisions of the act will not take effect until the Board promulgates specified rules.

**HB 3863 -- Coastal Zone Protection Act**  
**by Rep. Argenziano (SB 1404 by Sen. Brown-Waite)**

**[CHAPTER LAW: 98-269]**

The Coastal Zone Protection Act of 1985 [the Act] provides for the management of the most sensitive portions of the state's coastal area through imposition of strict construction standards to minimize damage to the natural environment, private property, and life. The Act imposes minimum construction standards for Florida's coastal building zone.

The National Flood Insurance Program [NFIP] was established by the United States Congress in 1968 through passage of the National Flood Insurance Act. Participation in the NFIP is based upon an agreement between local governments and the federal government. If a community implements and enforces measures to reduce future flood risks to new construction in special flood hazard areas, the federal government will make flood insurance available within the community to protect against flood losses.

- The Act was amended by the 1997 Legislature to specifically exclude the cost of nonstructural interior finishings and roof coverings from cumulative substantial improvement determinations. According to the Department of Community Affairs, they have received daily calls for clarification of the provision regarding "nonstructural interior finishings."
- This bill modifies the definition of the term "substantial improvement" to specify that "nonstructural interior finishings" include, but are not limited to:
  - finish flooring and floor coverings,
  - base molding,
  - nonstructural substrates,
  - drywall, plaster, and paneling,
  - wall covering, tapestries and window treatments,
  - decorative masonry and paint,
  - interior doors,
  - tile,
  - cabinets and moldings,
  - millwork,
  - decorative metal work,
  - vanities,
  - electrical receptacles, electrical switches, electrical fixtures,
  - intercoms, communications and sound systems,
  - security systems,
  - HVAC grills and decorative trim,
  - freestanding metal fireplaces,
  - appliances,
  - water closets, tubs and shower enclosures, lavatories, and
  - water heaters.
- By specifying these items to be "nonstructural interior finishings," they will be excluded from the costs required to be included in the cumulative cost determination for rebuilding measures.

The effective date of this bill is upon becoming a law.

**HB 4449 -- Viatical Settlement/Provider Trusts**  
**by Rep. Barreiro (Passed as CS/SB 2004 by Banking & Insurance and Sen. Burt)**

**[CHAPTER LAW: 98-164]**

A "viatical settlement contract" is an agreement between a life insurance policyholder ("viator") who has a terminal illness and an investor or group of investors ("provider") under which the provider makes an up-front payment to the viator. In exchange for this payment, the provider assumes the obligation of paying premiums on the policy and becomes entitled to the proceeds of the policy upon the death of the viator. The concept of viatical settlements arose in response to AIDS patients' need for immediate cash.

The bill provides that:

- A viatical settlement provider can pool funds from several investors, each of whom would be entitled to a proportionate share of the life insurance proceeds.

- A licensed viatical settlement provider would be able to establish a trust for the benefit of viatical investors. The effect of establishing such a trust would be to shield the viatical investment from liabilities of the provider that are not related to viatical settlement contracts.
- A trust which meets the definition of a related provider trust is excluded from the definition of a viatical settlement provider.
- There will be no additional license fee or deposit requirements under this act for a viatical settlement provider.
- Misrepresentation of the nature of a return or the duration of time to obtain the return of a viatical settlement investment is prohibited.
- A disclosure must be provided to investors, stating that the return available is directly tied to the life span and projected date of death of one or more viators; if a return is represented, the disclosure must state the projected life span or date of death of the viator(s) whose life or lives is tied to the return.

The effective date of this bill is July 1, 1998.

**CS/SB 1054 -- Condominiums/Rulemaking/DBPR (RAB)  
by Regulated Industries and Sen. Dudley**

**[CHAPTER LAW: 98-195]**

This bill provides the duties of the Division of Florida Land Sales, Condominiums and Mobile Homes of the Department of Business and Professional Regulation and provides additional specific grants of rulemaking authority allowing the department to fully adopt rules necessary to implement, enforce and interpret provisions of chapter 718 and part VI of chapter 621, Florida Statutes. The bill requires:

- The information that must be disclosed to a buyer and the components for disclosure prior to the sale of a condominium.
- That a developer provide notice to a tenant of an intended conversion and prescribes the specific manner by which such notices must be mailed.
- In condominium conversions, the filing and noticing of intended conversions, rental agreement extensions, the period of right of first refusal, and the issuance and disclosure of post purchase protections issued or established by the developer.
- That the developer, upon recording the declaration of condominium or amendments adding phases to a condominium, shall file with the division such recording information on a specific form, within 30 days.
- That the board of directors of a condominium association must notify the division prior to taking any action to terminate or merge the condominium or the association.
- After recording a termination notice, the association shall provide the division with a copy of the recorded notice within 30 days.
- That a developer cannot close on any contract for sale or contract for a lease period of more than 5 years until the developer has been notified by the division that all documents submitted by the developer are in compliance.
- That a developer of a condominium conversion either establish reserve accounts for capital expenditures and deferred maintenance, offer warranties, or post a surety bond.
- The bill permits a board or committee member of a condominium to submit in writing his or her agreement or disagreement of any action taken at a meeting that the member did not attend. The written vote, however, may not be used to create a quorum. Board and committee members are permitted to attend a board or committee meeting by telephone; however, a telephone speaker must be used in order that the member can be heard by any unit owners present at the meeting.
- The bill permits a buyer to terminate a contract by written notice within 15 days after receiving all of the documents in this section. A developer is prohibited from closing for 15 days following the signed execution of the contract for sale unless the buyer is informed of the 15 day period to terminate and agrees in writing to close prior to the expiration of the 15 days.
- The bill provides that a tenant shall have the right of first refusal to purchase the unit in which the tenant resides and provides specific time frames for when the developer must make an offer and when the tenant must respond.

The effective date of this bill is upon becoming law.



**JUSTICE COUNCIL  
MEMBERS DIRECTORY**



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*Leander J. Shaw, Jr.*

*Gerald Kogan*

*Charles T. Wells*

*Harry Lee Anstead*

*Barbara J. Pariente*

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P.O. Box 4127  
Key West, FL 33041-4127  
(305) 294-2501, Suncom 451-5255

**The Honorable Alan H. Schreiber**  
**Seventeenth Judicial Circuit**  
201 SE 6th St., Room 3872  
Ft. Lauderdale, FL 33301  
(954) 831-8650, Suncom 454-8655

**The Honorable James F. Russo**  
**Eighteenth Judicial Circuit**  
2725 Judge Fran Jamieson Way, Bldg. E  
Viera, FL 32940  
(407) 617-7373, No Suncom

**The Honorable Diamond Litty**  
**Nineteenth Judicial Circuit**  
200 S. 2nd St.  
Ft. Pierce, FL 34950  
(561) 462-2048, Suncom 259-2048

**The Honorable Douglas Midgley**  
**Twentieth Judicial Circuit**  
P.O. Drawer 1980  
Ft. Myers, FL 33902-1980  
(941) 335-2911, Suncom 726-2911

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**Florida Public Defender Association**  
**Sheldon Gusky, Executive Director**  
P.O. Box 11057  
Tallahassee, FL 32302-1057  
(850) 488-6850, Suncom 278-6850

**Capital Collateral Regional Counsel**  
**Greg Smith, Regional Counsel (North)**  
1533-B S. Monroe Street  
Tallahassee, FL 32301  
(850) 488-7200, Suncom 278-7200

**Capital Collateral Regional Counsel**  
**John Moser, Regional Counsel (Middle)**  
405 North Reo Street, Suite 150  
Tampa, FL 33609-1004  
(813) 871-7900, Suncom 542-7900

**Capital Collateral Regional Counsel**  
**Vacant, Regional Counsel (South)**  
1444 Biscayne Blvd., Suite 202  
Miami, FL 33132-1422  
(305) 377-7580, Suncom 452-7580

**Commission on the Administration**  
**of Justice in Capital Cases**  
Roger Maas, Executive Director  
Holland Building, Room 260  
Tallahassee, FL 32399-1300  
(850) 921-4704, Suncom 291-4704

## ASSOCIATIONS

**Florida Sheriffs Association****J.M. Phillips, Executive Director**

P. O. Box 12519

Tallahassee, FL 32317-2519

(850) 877-2165

**Florida Police Chiefs Association****Hal Robbins, Executive Director**

2300 Centerville Road

Tallahassee, FL 32308

(850) 385-9046

**Fraternal Order of Police****Bill Dantschisch, Executive Director**

6529 Seafairer Drive

Tampa, FL 33615

(813) 855-3909

**Florida Police Benevolent Association****David Murrell, Executive Director**

300 E. Brevard Street

Tallahassee, FL 32301

(850) 222-3329

**Florida Association of State Troopers****Tommy Owens, Executive Director**

324 E. Virginia Street

Tallahassee, FL 32301

(850) 681-9551

**Florida Peace Officers' Association****William Peacock, Executive Director**

P.O. Box 5077

Tallahassee, FL 32314-5077

(850) 222-7070

**Florida Assoc. of Criminal Defense Lawyers****Kathryn Bradley, Executive Director**

P.O. Box 1528

Tallahassee, FL 32302-1528

(850) 385-5080

**Academy of Florida Trial Lawyers****Scott Caruthers, Executive Director**

218 S. Monroe Street

Tallahassee, FL 32308

(850) 224-9403

**Florida Association of Court Clerks****Roger Alderman, Executive Director**

3375 NE Capital Circle

Tallahassee, FL 32308

(850) 921-0808, Suncom 291-0808

**Florida Center for Children and Youth****Jack Levine, Executive Director**

515 East Park Avenue

Tallahassee, FL 32301

(850) 222-7140

**Florida Network of Youth & Family Services****Richard Nedelkoff, Director**

2728 Pablo Avenue

Tallahassee, FL 32308

(850) 922-4324

**Clearinghouse on Human Services****Budd Bell, Director**

411 East College Avenue

Tallahassee, FL 32301

(850) 222-4507

**Ounce of Prevention Fund****Doug Sessions, Executive Director**

111 N. Gadsden St., Suite 200

Tallahassee, FL 32301

(850) 921-4494

**Assoc. of Children for Enforcement of Support****Geraldine Jensen, National Director (ACES)**

2260 Upton Avenue

Toledo, OH 43606

(419) 472-5639

*Lenore Frederick, Tallahassee Director**(850) 413-5639*

## DIRECTORY OF WEBSITES AND TELEPHONE NUMBERS

Note: telephone numbers are in **bold**, area code (850); Internet websites are in ***bold italics***. All websites begin with ***http://***, so that prefix is omitted. Most browsers will insert that prefix. Internet addresses were accurate as of June 1, 1998, but they change frequently.

### FLORIDA STATE GOVERNMENT:

#### FLORIDA LEGISLATURE

Auditor General	<a href="http://www.leg.state.fl.us/audgen/"><i>www.leg.state.fl.us/audgen/</i></a>	488-5534
Economic & Demographic Research	<a href="http://www.state.fl.us/edr/"><i>www.state.fl.us/edr/</i></a>	487-1402
House Justice Council	<a href="http://www.leg.state.fl.us/house/documents/jc-rprt.pdf"><i>www.leg.state.fl.us/house/documents/jc-rprt.pdf</i></a>	

#### EXECUTIVE BRANCH - DEPARTMENTS AND AGENCIES

Governor's Office	<a href="http://fcg.state.fl.us/eog"><i>fcg.state.fl.us/eog</i></a>	488-2272
Veto Messages	<a href="http://www.state.fl.us/eog/govdocs/veto/veto_message.html"><i>www.state.fl.us/eog/govdocs/veto/veto_message.html</i></a>	
Secretary of State	<a href="http://www.dos.state.fl.us/"><i>www.dos.state.fl.us/</i></a>	414-5500
Session Laws	<a href="http://election.dos.state.fl.us/laws"><i>election.dos.state.fl.us/laws</i></a>	
Elections	<a href="http://election.dos.state.fl.us/index.html"><i>election.dos.state.fl.us/index.html</i></a>	488-7690
Corporate information	<a href="http://ccfcorp.dos.state.fl.us/index.html"><i>ccfcorp.dos.state.fl.us/index.html</i></a>	488-9000
Attorney General	<a href="http://legal.firn.edu/"><i>legal.firn.edu/</i></a>	487-1963
Statewide Prosecutor	<a href="http://legal.firn.edu/swp/"><i>legal.firn.edu/swp/</i></a>	487-1963
Criminal Justice	<a href="http://legal.firn.edu/justice/"><i>legal.firn.edu/justice/</i></a>	
Comptroller/Banking & Finance	<a href="http://www.dbf.state.fl.us/"><i>www.dbf.state.fl.us/</i></a>	488-0370
Funeral & Cemetery Svcs.	<a href="http://www.dbf.state.fl.us/licensing/licensing-d.html"><i>www.dbf.state.fl.us/licensing/licensing-d.html</i></a>	
Treasurer/ Insurance Comm.	<a href="http://www.doi.state.fl.us/"><i>www.doi.state.fl.us/</i></a>	922-3100
State Fire Marshal	<a href="http://www.doi.state.fl.us/Industry/StateFireMarshal/sfm.htm"><i>www.doi.state.fl.us/Industry/StateFireMarshal/sfm.htm</i></a>	
Administrative Hearings	<a href="http://www.doah.state.fl.us/"><i>www.doah.state.fl.us/</i></a>	488-9675
Business & Professional Regulation	<a href="http://www.state.fl.us/dbpr/"><i>www.state.fl.us/dbpr/</i></a>	487-2252
Florida Land Sales & Condos	<a href="http://www.state.fl.us/dbpr/html/lsc/"><i>www.state.fl.us/dbpr/html/lsc/</i></a>	
Real Estate	<a href="http://www.state.fl.us/dbpr/html/re/"><i>www.state.fl.us/dbpr/html/re/</i></a>	(407)245-0810
Children & Families	<a href="http://www.state.fl.us/cf_web/"><i>www.state.fl.us/cf_web/</i></a>	487-1111
Adoption Program	<a href="http://www.state.fl.us/cf_web/adopt/"><i>www.state.fl.us/cf_web/adopt/</i></a>	(800)96-ADOPT
Child Abuse	<a href="http://www.state.fl.us/cf_web/topics/childabuse/"><i>www.state.fl.us/cf_web/topics/childabuse/</i></a>	(800)96-ABUSE
Corrections	<a href="http://www.dc.state.fl.us/"><i>www.dc.state.fl.us/</i></a>	488-7480
Corrections Commission	<a href="http://www.dos.state.fl.us/fgils/agencies/fcc/"><i>www.dos.state.fl.us/fgils/agencies/fcc/</i></a>	413-9330
Correctional Medical Auth.	<a href="http://www.state.fl.us/cma/"><i>www.state.fl.us/cma/</i></a>	487-3580
Health Care Administration	<a href="http://www.fdhc.state.fl.us/"><i>www.fdhc.state.fl.us/</i></a>	488-1295
Highway Safety & Motor Vehicles	<a href="http://www.hsmv.state.fl.us/"><i>www.hsmv.state.fl.us/</i></a>	922-9000
Highway Patrol	<a href="http://www.fhp.state.fl.us/"><i>www.fhp.state.fl.us/</i></a>	488-4885
Juvenile Justice	<a href="http://www.djj.state.fl.us/"><i>www.djj.state.fl.us/</i></a>	488-1850
Law Enforcement	<a href="http://www.fdle.state.fl.us/"><i>www.fdle.state.fl.us/</i></a>	488-7880
Revenue	<a href="http://sun6.dms.state.fl.us/dor/"><i>sun6.dms.state.fl.us/dor/</i></a>	488-6800
Child Support Enforcement	<a href="http://sun6.dms.state.fl.us/dor/html/child_support.html"><i>sun6.dms.state.fl.us/dor/html/child_support.html</i></a>	488-8762

**JUDICIAL BRANCH**

Florida Supreme Court	<a href="http://www.flcourts.org/courts/supct/sctintro.html">www.flcourts.org/courts/supct/sctintro.html</a>	488-0215
State Court Administrator	<a href="http://www.flcourts.org/">www.flcourts.org/</a>	922-5081
Links to other Florida Courts	<a href="http://www.flcourts.org/courts/">www.flcourts.org/courts/</a>	
Florida Bar	<a href="http://www.flabar.org/">www.flabar.org/</a>	561-5600

**OTHER GOVERNMENT AND NONPROFIT SERVICES:**

State Telephone Directory	<a href="http://www.state.fl.us/411direct/">www.state.fl.us/411direct/</a>	488-1234
Government Services Direct	<a href="http://fcn.state.fl.us/owa_gsd/owa/gsd_www.main_frame.main">fcn.state.fl.us/owa_gsd/owa/gsd_www.main_frame.main</a>	
Guide to Florida Government	<a href="http://www.house.state.fl.us/house/general/guide.pdf">www.house.state.fl.us/house/general/guide.pdf</a>	
Inspectors General Network	<a href="http://fcn.state.fl.us/dms/sec/fignet/fignet.html">fcn.state.fl.us/dms/sec/fignet/fignet.html</a>	
Aging With Dignity	<a href="http://www.agingwithdignity.org/awd/index_new.html">www.agingwithdignity.org/awd/index_new.html</a>	
Network of Youth & Family Services	<a href="http://www.floridanetwork.org">www.floridanetwork.org</a>	922-4329
Runaway Hotline		800-Runaway
Help with Problem Children	<a href="http://www.41family.org">www.41family.org</a>	888-41-Family

**LOCAL GOVERNMENTS:**

Links to Florida Counties and Cities	<a href="http://www.state.fl.us/fgsd_html/local.html">www.state.fl.us/fgsd_html/local.html</a>
Florida League of Cities	<a href="http://fcn.state.fl.us/flc">fcn.state.fl.us/flc</a>
Florida Association of Counties	<a href="http://www.fl-counties.com/">www.fl-counties.com/</a>
Municipal Police Departments	<a href="http://legal.firn.edu/muni/muni.html">legal.firn.edu/muni/muni.html</a>
Florida Sheriffs Association	<a href="http://www.flsheriffs.org/">www.flsheriffs.org/</a>
Fla. Assn. of Court Clerks	<a href="http://www.flclerks.com/">www.flclerks.com/</a>

**FEDERAL GOVERNMENT:**

Congress	<a href="http://thomas.loc.gov/">thomas.loc.gov/</a>
Federal Courts	<a href="http://www.uscourts.gov/">www.uscourts.gov/</a>
White House	<a href="http://www.whitehouse.gov/">www.whitehouse.gov/</a>
Justice Dept.	<a href="http://www.usdoj.gov/">www.usdoj.gov/</a>
FBI	<a href="http://www.fbi.gov/">www.fbi.gov/</a>
Drug Enforcement	<a href="http://www.usdoj.gov/dea/">www.usdoj.gov/dea/</a>
Justice Programs	<a href="http://www.ojp.usdoj.gov/">www.ojp.usdoj.gov/</a>
Treasury	<a href="http://www.ustreas.gov/">www.ustreas.gov/</a>
Health & Human Services	<a href="http://www.os.dhhs.gov/">www.os.dhhs.gov/</a>
Fedworld Information Network	<a href="http://www.fedworld.gov/">www.fedworld.gov/</a>

**MISCELLANEOUS ORGANIZATIONS:**

Council on State Governments	<a href="http://www.csg.org/">www.csg.org/</a>
National Conference of State Legislatures	<a href="http://www.ncsl.org/">www.ncsl.org/</a>
State & Local Gateway	<a href="http://www.statelocal.gov/">www.statelocal.gov/</a>



## INTERNET SITES ARRANGED BY TOPIC

### CRIMINAL JUSTICE:

National Sheriffs' Association.  
[www.sheriffs.org/](http://www.sheriffs.org/)  
Institute for Criminal Justice Studies  
[sherlock.tdi.swt.edu/icjs](http://sherlock.tdi.swt.edu/icjs)  
National Criminal Justice Association  
[www.sso.org/ncja/](http://www.sso.org/ncja/)  
National District Attorneys Association  
[www.ndaa.org/](http://www.ndaa.org/)

### CRIME VICTIMS:

USDOJ Office for Victims of Crime  
[www.ojp.usdoj.gov/ovc/](http://www.ojp.usdoj.gov/ovc/)  
National Victim Center  
[www.nvc.org/](http://www.nvc.org/)  
Nat. Organization for Victim Assistance  
[www.try-nova.org](http://www.try-nova.org)  
Florida Attorney General  
Crime victim assistance  
[legal.firn.edu/victims/index.html](http://legal.firn.edu/victims/index.html)  
Florida Governor - Crime victims  
[www.state.fl.us/eog/govdocs/victims/victims.htm](http://www.state.fl.us/eog/govdocs/victims/victims.htm)

### DOMESTIC VIOLENCE:

Fla. Governor's Task Force - Dom. Violence  
[www.state.fl.us/eog/govdocs/  
domestic/domviol.htm](http://www.state.fl.us/eog/govdocs/domestic/domviol.htm)  
USDOJ Violence Against Women Office  
[www.usdoj.gov/vawo/](http://www.usdoj.gov/vawo/)  
Fla. Domestic Violence Centers  
[www.state.fl.us/pdc/dv.html](http://www.state.fl.us/pdc/dv.html)  
Fla. Dept. Children & Families  
[www.state.fl.us/cf\\_web/topics/domvio/](http://www.state.fl.us/cf_web/topics/domvio/)  
Fla. Highway Patrol - Notice of Rights  
[www.fhp.state.fl.us/html/warnings/  
domestic.html](http://www.fhp.state.fl.us/html/warnings/domestic.html)

### CHILD ABUSE:

Fla. Dept. Children & Families - Child Abuse  
[www.state.fl.us/cf\\_web/topics/childabuse/](http://www.state.fl.us/cf_web/topics/childabuse/)  
Nat. Clearinghouse on Child Abuse & Neglect  
[www.calib.com/nccanch/](http://www.calib.com/nccanch/)  
National Archive on Child Abuse & Neglect  
[www.ndacan.cornell.edu/](http://www.ndacan.cornell.edu/)

### CHILDREN/FAMILIES/ADOPTION:

Florida Healthy Kids  
[www.healthykids.org/](http://www.healthykids.org/)  
National Network for Youth  
[www.nn4youth.org/](http://www.nn4youth.org/)  
ABA Center on Children & Law  
[www.abanet.org/child/](http://www.abanet.org/child/)  
National Network of Children's Advocacy Centers  
[www.nncac.org/](http://www.nncac.org/)  
National Center for Fathering  
[www.fathers.com/](http://www.fathers.com/)  
Foster Parent Community  
[www.fosterparents.com/](http://www.fosterparents.com/)  
National Adoption Information Clearinghouse  
[www.calib.com/naic/](http://www.calib.com/naic/)  
National Adoption Center  
[nac.adopt.org/](http://nac.adopt.org/)  
Fla. Dept. of Children & Families - Adoption  
[www.state.fl.us/cf\\_web/adopt](http://www.state.fl.us/cf_web/adopt) and  
[sun6.dms.state.fl.us/cf\\_web/adopt/links.htm](http://sun6.dms.state.fl.us/cf_web/adopt/links.htm)  
U.S. Dept. Health & Human Svcs - Adoption  
[www.acf.dhhs.gov/programs/cb/stats/index.htm](http://www.acf.dhhs.gov/programs/cb/stats/index.htm)

### COURTS:

National Center for State Courts  
[www.ncsc.dni.us/](http://www.ncsc.dni.us/)  
American Judicature Society  
[www.ajs.org/](http://www.ajs.org/)  
National Judicial College  
[www.judges.org/](http://www.judges.org/)  
State Justice Institute  
[www.clark.net/pub/sji/home.htm](http://www.clark.net/pub/sji/home.htm)

### REAL PROPERTY:

Florida Association of Realtors - Residential  
[fl.living.net/](http://fl.living.net/)  
Commercial Real Estate  
[www.abigdeal.com/index.asp](http://www.abigdeal.com/index.asp)  
National Association of Realtors  
[www.realtor.com/](http://www.realtor.com/)

## LEGAL RESEARCH

### FEDERAL AND STATE:

[www.farislaw.com/us.html](http://www.farislaw.com/us.html)  
[www.mother.com/~randy/law.html](http://www.mother.com/~randy/law.html)  
[www.courts.co.gwinett.ga.us/other/other1.htm](http://www.courts.co.gwinett.ga.us/other/other1.htm)  
[www.lawinfo.com/links/](http://www.lawinfo.com/links/)

### UNITED STATES CODE:

[www.gpo.ucop.edu/catalog/uscode.html](http://www.gpo.ucop.edu/catalog/uscode.html)

### CODE OF FEDERAL REGULATIONS:

[www.gpo.ucop.edu/search/cfr.html](http://www.gpo.ucop.edu/search/cfr.html)

### FEDERAL:

[lweb.loc.gov/global/judiciary.html](http://lweb.loc.gov/global/judiciary.html)  
[thomas.loc.gov/](http://thomas.loc.gov/)  
[www.law.und.nodak.edu/research/Federal.html](http://www.law.und.nodak.edu/research/Federal.html)  
[www.findlaw.com/](http://www.findlaw.com/)  
[gsulaw.gsu.edu/metaindex/](http://gsulaw.gsu.edu/metaindex/)

### U.S. SUPREME COURT:

[supct.law.cornell.edu/supct/](http://supct.law.cornell.edu/supct/)  
[www.usscplus.com/](http://www.usscplus.com/)

### ALL STATES:

[lawlib.wuacc.edu/washlaw/uslaw/statelaw.html](http://lawlib.wuacc.edu/washlaw/uslaw/statelaw.html)  
[www.prairienet.org/~scruffy/f.html](http://www.prairienet.org/~scruffy/f.html)  
[law.house.gov/17.htm](http://law.house.gov/17.htm)

### FLORIDA:

[www.gate.net/~wyman/flo.html](http://www.gate.net/~wyman/flo.html)  
[www.flcourts.org/courts/supct/florida.html](http://www.flcourts.org/courts/supct/florida.html)  
[fcg.state.fl.us/fcg/centers/law/](http://fcg.state.fl.us/fcg/centers/law/)  
[www.law.fsu.edu/library/](http://www.law.fsu.edu/library/)

### FLORIDA SUPREME COURT OPINIONS:

#### RECENT:

[www.flcourts.org/courts/supct/ops.html](http://www.flcourts.org/courts/supct/ops.html)  
1995-98:  
[nesrp.nerdc.ufl.edu/~lawinfo/flsupct/index.html](http://nesrp.nerdc.ufl.edu/~lawinfo/flsupct/index.html)

### MUNICIPAL ORDINANCES:

[www.municode.com/](http://www.municode.com/)  
[www.spl.lib.wa.us/collec/lawcoll/municode.html](http://www.spl.lib.wa.us/collec/lawcoll/municode.html)

### GENERAL LEGAL RESEARCH:

[www.flcourts.org/courts/supct/full.html](http://www.flcourts.org/courts/supct/full.html)  
[www.kentlaw.edu/lawlinks/meta.html](http://www.kentlaw.edu/lawlinks/meta.html)  
[www.uscourts.gov/publications.html](http://www.uscourts.gov/publications.html)  
[www.law.fsu.edu/library/admin/](http://www.law.fsu.edu/library/admin/)

### STATISTICS:

Florida Vital Statistics, 1996  
[www.state.fl.us/health/](http://www.state.fl.us/health/)(and pull down Vital Statistics from menu)  
U.S. Census Bureau  
[www.census.gov/](http://www.census.gov/)  
Bureau of Justice Statistics  
[www.ojp.usdoj.gov/bjs/](http://www.ojp.usdoj.gov/bjs/)  
National Victims Center  
[www.nvc.org/edir/statistics.htm](http://www.nvc.org/edir/statistics.htm)  
Bureau of Labor Statistics  
[stats.bls.gov/](http://stats.bls.gov/)  
National Center for Health Statistics  
[www.cdc.gov/nchswwww/default.htm](http://www.cdc.gov/nchswwww/default.htm)  
Centers for Disease Control & Prevention  
[www.cdc.gov/](http://www.cdc.gov/)  
FEDSTATS  
[www.fedstats.gov](http://www.fedstats.gov)  
American Demographics Magazine  
[www.americanrends.com/Publications/AD/](http://www.americanrends.com/Publications/AD/)

### MISCELLANEOUS:

Florida Newspapers  
[www.ecola.com/news/press/na/us/fl/](http://www.ecola.com/news/press/na/us/fl/)  
Telephone Area Codes  
[home.navisoft.com/entisoft/namempa.htm](http://home.navisoft.com/entisoft/namempa.htm)  
Zip Codes  
[www.usps.gov/ncsc/](http://www.usps.gov/ncsc/)